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THE DERUGA TRIAL

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THE DERUGA TRIAL

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RICARDA HUCH

The publication in America of a novel by Ricarda Huch, regarded as Germany's foremost woman novelist, is a literary event. It will please those German critics who have complained that some of the best German writers have not yet been presented to the American public.

The story is tense, dramatic. Psychologic force moves it like a throbbing motor. All that can impel a man to murder for love, that can lead a woman all willing to her murderer, that can show the pure passion that can make even murder blameless, are given here. The trial of Deruga, in its intensity, is one of the great scenes in modern fiction, as Deruga, the fascinating Italian doctor, in whom the instinct for love is an art, and the art of love an instinct, is one of its great characters.

The current interest in the passions and motives of crime will be satisfied to its fullest and highest in this extraordinary novel.

THE DERUGA TRIAL

By

RICARDA HUCH

Translated from the German by

LORNA DIETZ

NEW YORK

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TO THOSE CHARMING PEOPLE WHO
ARE COMMONLY DESCRIBED AS BEING
THEIR OWN WORST ENEMIES.

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THE DERUGA TRIAL

I

THE doors on the far side of the court room flew open, and the presiding judge, Dr. Zeunemann, Justice of the Supreme Court, entered. He was followed by two associate judges and the prosecuting attorney. A draft blew the judge's robe aside as he hurried up to his chair, disclosing his robust, portly build. His bow was neither condescending nor familiar; it combined a proper mixture of dignity and assurance. His personality filled the solemn room with a certain cheerfulness, in so far as it suggested that nothing would happen which was not entirely in order. After he had seated himself, he gently rubbed his large white hands together, and immediately set to work on the selection of the jury. He disposed of preliminaries quickly and smoothly. Every one felt that he had been put in his proper place by a beneficent force.

"Gentlemen of the jury," he began, "the case before the court is a rather complicated affair, the history of which I shall outline briefly.

"On the second of October Mrs. Mingo Swieter, the divorced wife of Mr. Deruga, the defendant, died here in Munich, presumably of cancer. After her divorce from Deruga seventeen years ago, she had taken her maiden name. In her will, which was probated early in November, she had named her divorced husband, Dr. Deruga, as sole beneficiary of her estate of some $96,000, ignoring her relatives, of whom the nearest was Baroness Truschkowitz, a cousin. At the instigation of Baroness Truschkowitz and because of certain sufficient grounds for suspicion, the court ordered the body exhumed, and it was ascertained that Mrs. Swieter did not die from the natural consequences of her illness, but from a powerful drug.

"When Dr. Deruga, who had been living in Prague for nearly seventeen years, heard that he was quite generally suspected of the deed, he came here to find out who his libellers, as he called them, were, and to bring action against them. He was informed that the court had already decided to charge him with homicide, and that he must defer his libel suit until after the impending trial. In these peculiar circumstances, since the defendant himself had to some degree brought them about, it was assumed that he was

not thinking of flight from justice, and he was therefore not imprisoned. From the very beginning, suspicion had rested on the defendant because he found himself in straitened financial circumstances. And the fact that he had bought a ticket to Munich on the first of October last year and had not returned to his home in Prague until the afternoon of the third of October was an added reason for suspecting him. The defendant was not able to establish a sufficient alibi.

"These are the main reasons which motivated the court to charge him with homicide. It is assumed that Deruga looked up his divorced wife to ask her for money, to extort it from her if necessary, and that on this occasion, provoked by something, perhaps by her refusal, he killed her. The fact that Deruga must have had poison with him seems to show plainly that he had a premeditated plan. But the court has admitted the possibility that the distracted man might have intended to kill himself with the poison if his last attempt failed, and that he might have used it only in an unguarded moment of extreme excitement."

During the last sentence the prosecuting attorney had attempted in vain to attract the attention of the presiding judge by twisting his lean body about and

gesturing with his knotty forefinger. "I beg your pardon," he said, trying to assume an agreeable expression, "I should like to emphasize the fact, at this point, that I personally do not grant this possibility. Why would the man be in such a hurry to commit suicide? He enjoyed life too much to throw it away so precipitately.

"Furthermore, I should like to call your attention to the fact that at the first judicial inquiry the defendant acknowledged the horrible deed; or to put it better, boasted of it as boldly as he later denied it."

"Yes, yes, we'll come back to that," said the judge, waving his hand toward the prosecuting attorney like an orchestra leader toning down the brasses. "We shall first question the defendant."

"You must stand up," whispered Mr. Fein, the prisoner's lawyer, to his client, who was contemplating the room and the public with sleepy eyes.

"Stand up? I?" Deruga answered, surprised and almost provoked. "Well, all right, I will," he continued, rose slowly, and cast a sharp, penetrating glance at the judge. One might have supposed that he was a professor and that Dr. Zeunemann was a student up for examination.

"Your name is Sigismondo Enea Deruga," began

the judge, stressing the two melodic Christian names with a very slight touch of pathos, to the delight of the public.

Deruga swept a keen eye over them. "Is it some sort of crime not be called John Smith or Charles Miller?" he asked.

"Kindly confine yourself to answering the questions put to you," said Dr. Zeunemann coolly. "Your name is Sigismondo Enea Deruga, you were born in Bologna, and are forty-six years old. Is that correct?"

"Yes, indeed."

"You studied medicine in Bologna, Padua, and Vienna, settled first in Linz and then, after you had taken out citizenship papers, in Vienna. Is that correct?"

"It really would be a shame," said Deruga, "if you had not even established those facts in four months' time."

"I warn you again, prisoner before the bar," said the judge, who was somewhat annoyed by the laughter occasioned by this remark, "to answer briefly and clearly the questions put to you. It is your own fault that the preliminary examination was protracted. I seize the opportunity to give you an earnest word of advice. You are obviously attempting to ob-

struct and hinder the process of law with irregularities and eccentricities. By doing this you are rendering your position much worse, without gaining your point. The trial will proceed slowly and surely to its goal, in spite of all the stones you may throw in its path. You are under a heavy charge, and you would do better if, instead of aggravating the charges against you with unseemly and unrestrained behavior, you aided the gentlemen of the jury in their difficult work and won them over by your sincerity. You find yourself in a country where justice meets her great responsibility with unshakable incorruptibility and impartiality. Both men of high degree and men of humble station find here nothing more nor less than impartial justice. In return, we expect from them the show of respect which is due an institution so holy and so worthy. A gentleman should show us that respect freely and willingly; but, if it is necessary, we know how to exact it."

"Very well," said Deruga, good-naturedly, "go ahead; I shall answer."

Dr. Zeunemann considered it wise to let matters stand as they were, and continued: "In 18— you were married to Mingo Swieter of Luebeck. In this marriage you had a child, a daughter, who died when

she was four years old; and shortly after that, seventeen years ago, your wife divorced you. The grounds were wilful desertion. But in reality your wife is said to have been induced to take this step because of your unbearable disposition and your uncontrollable temper."

As Dr. Zeunemann looked at Dr. Deruga questioningly at this point, the latter said: "It would be best, if you would confine yourself to the facts of the case."

The judge stifled a desire to laugh, and proceeded patiently, "Shortly after the divorce you moved from Vienna to Prague and established your practice there, while Mrs. Swieter settled in Munich, where she had lived for a time as a girl. Further facts in the case we shall advise as the occasion demands. Tell the court what you were doing on the first of October last year."

"Since I don't keep a diary," said Dr. Deruga loudly, "or have my daily performances photographed for the screen or dictated into a phonograph, I am sorry to say that it is impossible for me to tell you the events of the day with mathematical exactitude. I most likely had my breakfast, visited a few patients, ate my lunch, and sat in the café for an hour

or so. Then, during my afternoon office hours, I probably examined several examples of that species of animal with which I have the least sympathy—man. Toward evening I went out to call on a friend of mine, a very respectable woman. Near the railroad station I met a colleague of mine, who asked me if I were going to a meeting of the Medical Association. I told him that unfortunately I could not go, as I was going away on a trip. He then accompanied me to the station. So I bought a ticket to Munich; otherwise I should have had to admit that I was telling him a lie. Then, too, it occurred to me that if I did this, the lady in question would not be compromised."

"Do you still refuse to tell the name of this highly respectable lady?" asked Dr. Zeunemann.

"I've already said that I do not want to compromise her," answered Deruga.

"Bear in mind, Mr. Deruga," said Dr. Zeunemann warningly, "that your gallantry is built on shifting sand. Would a woman let a friend of hers run into such danger on her account? We should prefer to believe that this woman does not exist at all. Your whole story is rather a strain on the imagination. That you visited a lady and stayed whole days and nights, would not be unbelievable, considering

your mode of life. We shall even concede that you did not wish to compromise her; but the means which you chose to employ in carrying out your wish can be considered only inappropriate and laughable. A man who finds himself in such precarious financial circumstances as you were, does not pay thirty-two dollars for a railroad ticket which he has no intention of using."

"Thirty-one dollars and seventy-five cents," corrected Deruga.

"A return ticket from Prague to Munich costs thirty-two dollars," said Dr. Zeunemann sharply.

"A round-trip ticket is twenty-five cents cheaper," Deruga persisted.

"We won't quarrel about it," said Dr. Zeunemann. "No one would throw away thirty-one dollars and seventy-five cents when he is hard pressed for cash."

"A sensible German most likely would not," conceded Deruga. "But I've done more stupid things in my life than that. Furthermore, I wasn't hard pressed for cash; it was just that I had debts."

The prosecuting attorney wrung his hands and looked up at the ceiling, as though he were calling on Heaven to witness such madness. Then he asked for the floor, and inquired how the defendant hap-

pened to have enough money with him for such an unpremeditated trip.

Instead of answering, Deruga reached into his vest pocket, drew out a handful of bills, and counted: "Fifty, sixty, sixty-two, sixty-seven dollars. You see, I could set out for Prague on the spur of the moment, if I did not prefer to stay in your pleasant home town."

"Why didn't you pay your debts, if you had the money?" cried the prosecuting attorney in the shrill tone which his voice assumed when he raised it.

"Oh, I couldn't possibly have stretched it enough for that," laughed Deruga. "I only had enough to satisfy my daily wants."

The judge declared this bickering at an end with a wave of the hand. "You insist then, Mr. Deruga," he asked, "that you merely bought a ticket to Munich as a pretext? What made you think of Munich?"

"That is a difficult question," said Deruga. "If I had bought a ticket for Frankfort or for Vienna, the question would be just as apt. Perhaps a psychoanalyst is in the room who could give us interesting information about thought-association and whether it was conscious or subconscious motivation. My specialty is eye, ear, nose, and throat complaints."

"What did you do after you had bought the ticket?" continued the judge.

"I stood at the gate," Deruga explained, "and when it was opened I pretended to go toward the train, but I did not board it. I went back on the platform. Then I looked up the lady whom we have mentioned so often, and stayed with her until the afternoon of the third of October."

"Improbabilities are accumulating," said Dr. Zeunemann. "What doctor would leave his practice for a day and a half except for very urgent reasons?"

"My theory is," said Deruga, "that I do not exist for my practice, but that it exists for me."

"A doubtful principle for a doctor," Dr. Zeunemann pointed out.

"Why?" answered Deruga lightly. "Most patients can very easily wait a few days, the rest of them really would not have needed to come at all. I had no important cases at the time."

"Your patients were not pampered, at least," said Dr. Zeunemann. "During the last few years you had even lost quite a number because you were careless and inattentive in your practice. Nevertheless it is extraordinary that at this particular time you absented yourself for two days without giving any no-

tice. According to your own testimony, which was corroborated by your housekeeper, you came back home on the third of October shortly before four o'clock. Incidentally, the express train from Munich comes in at 3:20.

"Your office hours were not yet over, and two forbearing patients were waiting for you, because they had been assured by your housekeeper that you would be back soon. But you refused to see these patients, who would no doubt have been worth a little consideration, because, as you told your housekeeper, you were tired and wanted to lie down for a while. Your visit to the lady whose reputation you insist on protecting must therefore have been very exhausting."

"I always find ladies exhausting," said Deruga, "especially when they're stupid."

"We shall assume, then," the judge replied, while the prosecuting attorney wrung his hands and cast his eyes up to Heaven, "that the lady is as stupid as she is virtuous! Let us now pass on to another important point. Will you tell the court when and how you learned that you were the heir to Mrs. Swieter's fortune?"

"Early in November," said Deruga. "I made no note of the date. From the proper authorities."

"You are said to have expressed lively astonishment and joy," said Dr. Zeunemann. "I call attention to the fact," he repeated with emphasis to the jury, "that other people swear to this: astonishment and joy."

"O noble judge, brave man," said Deruga, with a smile.

"No side remarks, if you please," the judge replied. "It is already half past eleven, and I should like to get well along with your trial before the noon recess. Kindly tell us when and how you first heard that you were under suspicion."

"I heard it from a very respectable person," began Deruga, "very respectable and estimable, even if he is only an ordinary Italian wine dealer. His name is Tommaso Verzielli and he first came to me fifteen years ago, poor devil, after he had served a five-year sentence in prison. He had stabbed a policeman who wanted to arrest a poor old woman for taking a loaf of bread from a bakery. He was very despondent and wanted to go back to Italy, for among Germans, he said, he never would get out of jail because he always had to countenance things which made his

blood boil. I told him that it would be no different in Italy, and advised him to let people fight their own battles, since they were all equally worthless, and not to be sorry for any of them. I advised him to marry and to worry about his own family. Besides that, I urged him to go into business in Italian wines and other provisions, and lent him a little capital to start with. He paid me back long ago, for with hard work and intelligence he made a great success of it; but he is still bound to me in gratitude, as if I presented him every day anew with life.

"This Verzielli came running to me in great excitement late one night in the middle of November, and told me that the Italian consul, Signor Faramengo, a good old gentleman, but somewhat feeble-minded, had been at his place—Verzielli has a very fine restaurant now—and had questioned him in private about me, and had told him as a deep secret that I was to be arrested for the murder of my wife. The good man was beside himself and offered me his entire fortune, in case I wanted to flee to America. 'Deruga flee? Then you don't know Deruga, my dear friend,' said I, and in spite of Verzielli's entreaties I hurried immediately to the Italian consul. The poor old gentleman almost had a stroke at the grilling that

I put him through, and as I did not get enough information from him, I took the train here, in order to discover the source of this infamous rumor."

"You must have been informed," interrupted Dr. Zeunemann, "that the court had already decided to charge you with murder, and that you would have to postpone any possible libel suit till the end of the trial. If your first appearance, as I will not fail to call to your attention again, had given you the semblance of innocence, you ruined it by your conduct toward the examining magistrate. In the first place, you refused to answer the question as to your whereabouts from the first to the third of October. Then you testified that you had set out on a train with the intention of committing suicide, had left the coach at some small station, and had gone across country in a chance direction until you had come to an entirely deserted section. You said that you had lain on a river bank for a long time and had struggled with yourself, until you finally fell asleep. After many hours of sound sleep you had awakened in a different frame of mind, had wandered about for a while, and had then gone home. Finally the story of the mysterious woman cropped up. Your well of phantasy never runs dry."

"Not as you mean it," Deruga answered. "I only wanted to annoy the examining magistrate and I can certainly say that I succeeded. He almost had a stroke."

Dr. Zeunemann waited until the laughter in the court room had died down, and said then: "I am amazed that a man in your position, at your age, and of your intelligence, can act so childishly—or so absurdly; for perhaps your various versions were merely concocted to deceive us and to lead us astray."

"Were you ever put to a third degree by a clumsy examining magistrate?" asked Deruga. "No, most likely not. Then you cannot know how you would act in such a situation. To be sure, you presumably would be more sensible than I was. You have an enviable constitution. You are really a model example of a healthy person. All overwhelming sensations produced by hateful impressions, questions, doubt, and suffering are regulated for you by your perfect digestion, so that you always find yourself in the proper balance. I, on the other hand, am extremely sensitive and easily irritated."

Dr. Zeunemann had tried to interrupt the defendant. "You no doubt have more reason to be dis-

turbed than I have," he said now, with gentle irony. "Perhaps you would feel better, if you tried for once to be completely honest, instead of annoying yourself and us with your evasions."

"But I don't want to annoy you, your Honor; you may depend on that," said Deruga in a friendly, soothing tone of voice, such as one uses towards a child.

* * *

"Wait for me in the antechamber on the first floor," whispered Fein to his client as soon as the noon recess was declared. From there they went through a back door into the grounds, which led into a quiet street devoid of traffic. The lawyer stopped in front of a trellis covered with vines, poked the tip of his umbrella about among the old, damp, sticky leaves, and said, "Soon the snowdrops and the crocuses will be up; I want to make things a little easier for them."

"Come on, come on," said Deruga, pulling the lawyer by the arm. "Things will be easy enough for them without your help. Tell me, while the proceedings are going on this afternoon, can't I read or, even better, sleep? This business bores me to distraction; you could nudge me when I'm needed."

"Don't do anything foolish," said the lawyer. "This afternoon we shall most likely hear Dr. von Maulchen, whose testimony will be against you. You must try to tear his testimony to pieces."

"Tear his testimony to pieces!" cried Deruga. "I'd like to tear him to pieces. I hate men of his kidney. He's just a perfumed sewer."

"Listen, Deruga," replied Fein. "I don't always understand you; but I understand least of all how you could bear to owe money to a man whom you hated. You could have got the money from some one else, from your good friend Verzielli, for instance."

"It probably would hurt your pride to owe money to some one you hated," said Deruga. "But, you see, I'm different. It amused me to see how alarmed he was about his pennies, and the pains he took to conceal his alarm, and his pretense of not being at all worried about it. First of all, he wants to be considered immensely rich, and secondly, very generous in money matters. Even if I had had money to spare, I most likely would not have paid him. I wanted to see him dangle."

"I believe you are capable of hating intensely," the lawyer said thoughtfully, gazing at the doctor with a certain admiration.

Deruga laughed as heartily and frankly as a child. "I most certainly am," he answered. "Sometimes I should like to stab a knife into a man's heart and twist it, just because I don't like the way he crinkles up the corners of his mouth. But this afternoon I shall pull myself together as well as I can for your sake."

"Yes, please do," said the lawyer, "I feel somewhat responsible for you. . . . Look, there goes Dr. Bernburger. Baroness Truschkowitz put him on your trail and he has a good nose for picking up the scent, as you can see. He is your most dangerous enemy. The prosecuting attorney is only a bogey."

Deruga contemplated Dr. Bernburger. "I believe he is as dangerous for you as he is for me," he said banteringly, eyeing his heavy-set, indolent lawyer. "As a matter of fact, I should like Bernburger well enough, if he weren't such a vulgar fellow."

* * *

Dr. von Maulchen appeared in the court room carefully and fashionably dressed, scented with an agreeable, new toilet water, and with the light and sure poise of one who knows that he is quite generally liked. He repeated the oath after the judge with charming courtesy and with a gentle questioning intonation, as if he wanted to reassure himself with

every sentence that it suited the presiding judge and the Lord God.

"The defendant," began Dr. Zeunemann, as soon as all the formalities were dispensed with, "has owed you $1500 since May, 19—; that is, for five years. Will you please testify as to how you first became acquainted with the defendant, and how he happened to borrow the money from you?"

"I can answer both questions quite readily," said Von Maulchen. "I met Deruga at the Medical Association. Later on, he treated me for a growth in my nose. His colleagues recommended him to me because he has an especially practised hand. I substantiate that from my own experience. Of course, my case was a very simple one, but nevertheless it proved his excellence as a doctor. He had certain little oddities and eccentricities. For instance, I remember that he kept me in suspense, as though something extremely painful were about to happen, which was not at all the case. I have heard people say that he treated his patients quite painlessly or very roughly, according to his pleasure, or rather, according to the mood he was in. But that has no place here in the record. From my own experience, I can only praise him in his professional capacity. As I hap-

pened to pass a few remarks about the shabby appearance of his waiting room, he told me that he had no money to furnish it as he would like. At that, following an impulse of the moment, I offered to lend him as much as he needed. I am not much at accounts," interpolated the doctor with a slight laugh, "but in this case, dealing with a colleague and a good doctor, I thought I should be risking nothing."

"Did the defendant use the money for new furnishings?" the judge asked.

"I cannot testify as to that from my own observation," answered Von Maulchen. "Later on I was told —there is so much gossip, you know—that the chairs in his waiting room were growing shabbier and shabbier; but you will understand, I am sure, that I could not very well look him up to see for myself."

"Have you anything to say?" the judge turned to Deruga. "Did you buy new furnishings for your waiting room with the money you had borrowed?"

"Is it necessary for the record?" asked Deruga. "I always thought a man could spend his money as he pleased, no matter whether it was borrowed or stolen."

"You refuse to answer?"

"As far as I can remember," said Deruga grum-

blingly, "I bought instruments, some modern apparatus, an operating table, and things like that with the money."

"During the following year," continued the judge, resuming the examination of the witness, "did you never press the defendant for payment?"

"Certainly not!" answered Dr. von Maulchen. "A colleague? I should never do a thing like that, unless I had more than sufficient reason. I had really considered the money lost, for the rumor was going about that Deruga was neglecting his practice and was living a very unregulated life. But I wish to state emphatically that I never found out whether there was any truth to the rumor or not, and I beg you to draw no conclusions."

"Then we shall proceed to the motive which prompted you to ask for your money," said Dr. Zeunemann. "Will you kindly relate the events in their proper order."

"Last year in September," the doctor testified, "I met Deruga at a meeting of the Medical Association to which we have already referred. I had not seen him for nearly a year, and had, so to speak, forgotten about the money. He called to me across the table in a rather informal way, telling me that he was send-

ing me a woman patient of his who was suffering from some abdominal disease. He wanted me to examine her and, if need be, attend her without charge, as she had no money to pay for treatments. More because of his manner than because of the matter itself, I told him—rather distantly, I hope—that I was overwhelmed with work and that the sick woman should see the—cash—doctor among those present. At that Deruga grew white as chalk and heaped abuses on my head; for instance, he said that I was a doctor for wealthy tradesmen's wives and cocottes, and more of the same sort of thing which I don't care to repeat. I should like to say that I think he made his charges in good faith, no matter how unfounded they were and no matter how crudely he put them. He had the idea that I was insensitive and concerned only with a show of success and a big name, perhaps because his feeling for the rabble and his rather gypsy-like propensities made him unfitted for the well-ordered life of a citizen with traditional ideas of respectable behavior and honor. On this occasion I could not take such a calm view of the situation; on the contrary, I confess that I was insulted and extremely angry."

"His perfume nearly evaporated," Deruga whispered to his lawyer.

"Without curbing my temper, or even attempting to, I told him in no uncertain terms that I had good reason for censuring him, since I had helped him out with money and had not held a grudge against him because of my loss. I must have considered him able to pay at the time I lent him the money, he replied angrily, or I would not have let him have it. I said that I most certainly considered a colleague honorable enough to pay back his debts, and since he was challenging me, he should pay me. The quarrel was settled by several colleagues who intervened. Before we parted, I told Deruga not to take seriously what I had said when I was angry,—that I did not want to press him for payment. Please believe me when I say that I should never have aired this encounter in open court of my own accord."

"If you please," said Fein, turning to the witness. "You never referred to this encounter again in word or deed?"

"No, certainly not," answered Von Maulchen. "On the contrary, I was sorry that I had reproached him."

"Therefore," the lawyer replied, "Dr. Deruga's situation was in no way changed, and there is no

ground for the accusation that he simply had to raise money to pay the sum he owed you?"

"I beg your pardon!" cried the doctor. "Because of this encounter at the meeting of the Medical Association, his debts became known to all the members. That is naturally an entirely different situation. Certainly we may assume that every gentleman with a sufficient sense of honor is not indifferent to such a situation."

"Let us take Dr. Deruga as he is, and not as others think he should be. As it did not worry him to be in debt to Dr. von Maulchen, for whom he obviously had little love, he most likely was not bothered by the fact that a few other colleagues knew of it, especially since he was on good terms with them. Furthermore, if he previously was so insensitive about the matter, he most likely would not become so sensitive all of a sudden that he would commit a crime to get out of the straits he was in."

Fein's serene, solemn gravity, the bulk of his massive frame, and his calm, regal bearing were more impressive than his words, and ruffled the composure of his fidgety opponent.

"Yes, if a man were always so logical!" the witness said vehemently. "There are many men who would

rather commit crime than have a spot on their so-called honor."

Dr. Zeunemann signaled for order. "The immediate question before the court is not one of criminal offense. If the defendant approached his divorced wife for money, it was, at the most, tactless; and it was not extraordinary, since many witnesses have testified that he often resorted to her for help." He turned to Doctor von Maulchen. "Do you consider the debt a motive strong enough to have induced the defendant to exceptional or doubtful, perhaps even criminal, tactics in order to get the money?"

"I beg pardon," parried the doctor, "but I cannot answer the question. I shrink from stating any opinion, for I was never in a position to form one. I am not acquainted with Deruga's psychic processes. I could merely use my imagination. But naturally I am more inclined to believe good than evil of a colleague."

"You were the colleague," the judge continued, "who met the defendant on October first near the station, and asked him if he were going to the meeting of the Medical Association?"

"Yes, indeed," said Von Maulchen. "I asked him because I wanted to keep on friendly professional

terms with him, after what had recently occurred. His answer, that he was going on a little trip, raised no doubts in my mind, because we were in the neighborhood of the station and because Deruga was carrying a package. I noticed the package because it was larger than gentlemen in our particular circle are wont to carry."

The judge turned to Deruga and asked if he admitted carrying a package, and what its contents were.

"Since I am a poor devil, who would never have the temerity to belong to the particular circle graced by Mr. von Maulchen, I allow myself the liberty of carrying packages," said Deruga. "I think it contained a change of linen and the ordinary things that one needs over night."

The prosecuting attorney rose hurriedly and asked whether Deruga had had a package with him when he returned home on October third.

"The housekeeper will give her testimony presently," answered the judge. "The defendant told you, Mr. von Maulchen, that he was going on a short trip, and you accompanied him to the station. Have you any further information bearing on the case?"

"No, no further information," protested the doc-

tor. "You will excuse me from repeating gossip and rumors, since gossip is rife about every one and should not be considered in serious situations."

"But perhaps you could tell us," the judge asked, "what reputation Dr. Deruga enjoyed among his colleagues?"

"I do not believe that anything I could tell you would be of much importance," said the doctor, excusing himself. "One can draw many conclusions from my testimony. I should not like to leave the sure ground of actual facts."

* * *

The next witness was Verzielli, the wine merchant, a thick-set, dark-complexioned man, who took his oath very seriously. With his eyes firmly fixed on the judge, his left hand on his heart, he spoke in a loud voice and with passionate vehemence.

"You are acquainted with, but not related to, the defendant?" asked Dr. Zeunemann.

"We are very dear friends, very dear friends," Verzielli answered eagerly.

"But not related?" repeated Dr. Zeunemann.

"No, I'm sorry to say we are not," said Verzielli, "but very dear friends. I am devoted to him and I admire him greatly."

"You felt yourself under obligation to him," the judge asked in friendly fashion, "because his good counsel and money were the cornerstone of your happiness?"

"Oh, good counsel and money, those aren't the main reasons," cried Verzielli. "He gave me back my belief in humanity. He is noble and always ready with a helping hand."

"You were able to repay the loan in a short while," continued the judge, "and since that time you have lent him money from time to time?"

"It isn't even worth mentioning," said Verzielli, gesturing with hand and head. "I owe him my whole existence. Besides, he has never asked me for money. I always pressed him to take it. He has no head for money matters, he is too good and too noble."

"Has he ever paid back any of this money?"

"Yes, indeed," Verzielli replied proudly, "and when he was in arrears, he always asked me if I needed it. But for what could I have needed it? It was just as safe with him as in the bank. I always told him it would be time enough if he paid it to my children. My wife agreed with me, that it wouldn't do to ask him for payment."

"Did the defendant ever console you with refer-

ences to possible gifts or a possible inheritance from his divorced wife?"

"He never needed to console me," said Verzielli, somewhat nettled. "But naturally he occasionally talked about his divorced wife and the child who died. He loved the little one very dearly. My wife and I often cried when he spoke of the baby."

With these words he drew a large, colored handkerchief from his pocket and wiped his forehead and eyes, but whether to dry tears or perspiration was hard to tell.

"Kindly pay strict attention to my questions," said Dr. Zeunemann pleasantly, "and try to answer them briefly and clearly. Did the defendant ever tell you that he had prospects of getting money from his divorced wife or of inheriting any after her death?"

"I believe," Verzielli explained, smoothing out his handkerchief, "that he once told me his divorced wife was rich, and he was positive she would give him anything he needed, if he asked for it."

"Do you remember when it was that he told you this?"

"I don't think that it was lately."

"We now come to a very weighty point," said the judge, clearing his throat and raising his voice. "And

I must ask you to pay the closest attention, Mr. Verzielli, and to be sure of your facts. Do not consider what the consequences of your testimony will be for the defendant, but only think of your oath, in which you swore to tell the truth."

Verzielli drew himself up to strict attention and clutched his handkerchief nervously.

"Tell us in complete detail how you happened to hear the rumor that Dr. Deruga had murdered his wife, and how you happened to inform him of the fact."

Verzielli was silent and stared into space, seemingly trying to collect his thoughts.

"I shall come to your aid," said Dr. Zeunemann indulgently. "On the evening of the twenty-fifth of November Signor Faramengo, the Italian consul, came to your restaurant for a glass of wine, as he occasionally did. He asked you many questions about the defendant, and you learned that inquiries had been made about him in Munich, and that he was suspected of having murdered his divorced wife, who died early in October and had made him heir to her fortune. Beside yourself with indignation, you immediately hurried to the defendant, told him everything you had heard, and said that if you only knew

who his libelers were, you would kill them. The defendant countered laughingly: 'Blockhead, I really did it.' This is what the examining magistrate finally got out of you. Do you corroborate this testimony in open court and to the jury?"

"It is true that Dr. Deruga said 'Blockhead, I really did it,' but he was only right in calling me a blockhead, because what he meant was . . ."

"Confine yourself to the facts of the case," Dr. Zeunemann interrupted. "What did you say to that?"

"I said that it was impossible, and I was sure that it was impossible; but in my great excitement, I begged him to flee to America immediately, and offered him all my money to help him out."

"Good fellow," said Deruga suddenly in a loud voice.

Verzielli, who had kept his eyes turned away from the defendant up to this point, now turned his head and looked at Deruga despairingly.

Dr. Zeunemann turned to him too. "How do you explain the fact," he asked, "that in the first moment of surprise you told Verzielli you had committed the murder?"

"I wanted to see what kind of a face he'd make," said Deruga lightly. "That's all."

"Yes, of course," interrupted Verzielli quickly. "That was it. That's just like him. Good God, he was right when he called me a blockhead. I was a fool, a confounded booby, not to see through his joke immediately."

"Confine yourself to the facts of the case," interposed Dr. Zeunemann. "The defendant's mood changed suddenly, he raged and stormed, and wanted to go to the Italian consul immediately, to see who had libeled him. 'So you didn't do it!' you exclaimed, and made the defendant promise to do nothing rash and to put off his visit to the consul till morning. Were you perhaps afraid that he might attack the consul?"

"God forbid!" cried Verzielli, provoked. "I just didn't want the consul to know that I had told everything I knew. And I was afraid that Dr. Deruga might express himself too vehemently because he was so angry, as he had every right to be. I didn't want him to prejudice the consul against him. In short, I was a blockhead and extremely excited. I didn't know what I was saying or doing."

The prosecuting attorney had risen while this testimony was being given and had accompanied the

answers of the Italian with involuntary gestures and with an occasional sneer and irritated interjections.

"In your excitement," he now said, bending forward, "you must have had the impression that the defendant was speaking seriously when he said, 'I really did it'. Otherwise you would not have cried out afterwards, 'Then you didn't do it!' "

Verzielli threw a scornful and contemptuous look at the speaker and said with determination, "No matter what I said or thought, I was in the wrong and the doctor was in the right; and if he had killed his wife, which he however did not do, he would have been in the right, too."

"An original explanation," said the prosecuting attorney, arms akimbo.

"I think," the judge resumed, when the laughter in the court room had subsided, "we shall dispense with explanations, and confine ourselves to the facts of the case. Do any of my colleagues or any of the jury wish to put further questions to the witness? No? Then we shall examine the next witness, Miss Klinkhart, the defendant's housekeeper and reception clerk."

* * *

A young woman of some thirty years stepped up, simply but tastefully dressed, black-haired, with a straight nose and quiet, brown eyes. She walked with a firm, quick step and looked about, as if she were hunting for something to do. As her glance fell on Deruga, she gave him a friendly and encouraging nod. She seemed to imply that now, since she had the thread in her hand, she would untie the knot in short order.

Her examination began somewhat as follows:

"How long have you been employed in your present position?"

"Ten years." So you see I know him far better than you do, my good sirs, was the implication.

"What are your duties?"

"I keep house, cook the meals, clean the rooms, receive the patients, keep accounts, etc."

"You have many duties. Were or are your relations with the defendant friendly, more than friendly?"

She wrinkled her forehead and seemed about to retort quickly, but thought better of it and said shortly, "No."

"What is your salary?"

"Fifty dollars a month."

"Do you have any other source of income?"

"No."

"The position obviously must have certain advantages. I suppose you were very independent? The doctor treated you well?"

"He treated me well and I treated him well. We suit each other. Anyway, Dr. Deruga is easy to get along with; any one who doesn't get along with him has himself to blame."

"Very well. Can you remember back to the first of October of last year? The defendant left the house at about six o'clock. Did he tell you where he was going and when he would return?"

"Dr. Deruga said that he might not be home that evening and wasn't sure if he would be back for his consulting hours the following day. If patients came in, I was to put them off."

"Did you think that he was going out of town?"

"I didn't think anything—because it was none of my business. I wasn't in the habit of asking him where he was going; only occasionally I teased him because I knew the women ran after him. Perhaps I did that very thing that evening."

"What did the defendant have with him when he left?"

"A package."

"Do you know what was in the package?"

"No."

"You do not know for sure, but you must have some idea of what was in it. Did you see him wrap up anything? Did he rummage about in a clothes closet or a dresser?"

"Yes, I saw that he was looking for something, and I asked him what he wanted. He answered angrily, 'Where in the devil did you hide my old carnival stuff?' I told him that all the carnival stuff which we had kept was in the chest in the hall. You see, he had lent or given away a good deal of it."

"What do you mean by old carnival stuff?"

"Costumes that he used to wear to carnivals. In the last few years he didn't go to many parties."

"What sort of costumes were they?"

"Oh, I can't tell exactly what they were supposed to be. A clown costume, a domino, and a monk's gown, I believe. I'm not sure what they were."

"I suppose you offered to help him?"

"Yes, but he said, 'Go to the devil!' He didn't mean it, it's just one of his expressions. That suited me fine, because it was after dinner and I had some work to do in the kitchen."

In the meantime the prosecuting attorney had risen

and was gesticulating with his long arm. "My dear young lady," he said, "did the defendant not have a traveling bag?"

"Yes, when he went out of town, he took a bag," said Miss Klinkhart.

"My dear young lady," continued the prosecuting attorney with a charming show of kindliness, "wasn't it your duty as a woman and housekeeper, partly through curiosity and partly through neatness, to see what your employer had taken with him? Did you not look to see, after he had left? If I were in your place, it seems to me that I should have tried to find out how long my employer would be away. You could have found out by seeing what he had taken with him."

Miss Klinkhart scowled blackly and cast a look of utter scorn at the prosecuting attorney. "I saw," she answered, "that everything in the chest had been turned upside down, and I straightened things out again. If there was anything missing, I don't know of it; I paid no attention to the matter. I don't believe that he took his pajamas with him."

"You see, you see," cried the prosecuting attorney in triumph, pointing his long forefinger at her, "that's

what I wanted you to say! So he did not take pajamas with him?"

"Well, what of it?" said Miss Klinkhart gloomily. "Why should he take pajamas if he did not intend leaving town?"

"Granted, my dear young lady," said the prosecuting attorney, laughing gleefully, "but, if there were no pajamas in the package, what do you think was in it?"

Miss Klinkhart shrugged her shoulders in annoyance and said, "Most likely he had some sort of costume in it, to lend to some one."

"Do you want to solve the puzzle for us?" the judge turned to Deruga.

"It was a kimono," said Deruga, "which a patient once brought me from China. I wanted to lend it to the lady I was going to visit."

"But you said a moment ago that you had a change of linen in the package," said Dr. Zeunemann, leaning on the arm of his chair and turning about to face the defendant.

"Yes, don't you think that I'm sick and tired of the way you magnify these silly, unimportant details?" he answered in such rage that the judge unconsciously drew back. "I said anything that came into my head,

and now I won't say anything at all. I had in the package a kimono, pajamas, a toothbrush, a revolver, and a bottle of poison. I'm fed up with the whole business."

Dr. Zeunemann waited awhile and then said calmly, "I don't put questions to you for the fun of the thing, but because it is my duty. I hope you understand that and decide to tell us finally just what was in the package."

Deruga's angry features relaxed. "Really," he said, with a charming smile, "I am a rude fellow. Please excuse me. I had a kimono in the confounded package."

"Which you intended lending to the lady in question," added Dr. Zeunemann.

"The carnival does not begin until January, I believe," observed the prosecuting attorney.

Deruga laughed. "The lady either was making her preparations very early or wanted it for some other party. I shall ask her presently and then inform you."

The prosecuting attorney shook with wrath, especially when he saw that the judge and Mr. Fein were smiling in appreciation, although the latter quickly suppressed his mirth.

"Let us now consider the defendant's return on the

third of October," the judge continued. "What happened then? Miss Klinkhart, do you remember what Dr. Deruga said?"

"Oh, yes," she answered. "I said, 'I'm glad you came, doctor. Several patients have been waiting for you for more than two hours.' The doctor said, 'So much the worse for them. I am very tired and I want to lie down right away.' I asked him if he didn't want to talk to them for a minute and make other appointments. He put his hand up in protest and said, 'I can't.' Then I knew that I must not bother him further."

"But did not such behavior strike you as odd?" asked the judge.

"Not at all," was the reply. "He's subject to sick headaches, and when he has an attack, he suffers so that nothing matters to him. He usually lies down then, and I never disturb him. Generally it is gone by morning. He was very pale, too, as he always is when he has a headache."

"Then he retired to his bedroom and you did not see him until the next morning? Did he have the package with him?"

"I didn't pay any attention to the matter."

"Let me remind you, Miss Klinkhart," said Dr.

Zeunemann sternly, "that you are under oath. It is possible that you did not think of the package at the first moment; but when you were cleaning up his room the next day, you no doubt noticed it."

"That's what you think, your Honor," said Miss Klinkhart, her quiet brown eyes flashing, "because you suspect him and consequently imagine that there was some sort of murderous weapon in the package. But I had no such idea in my head, and for that reason I didn't consider the package important, as it wasn't, I'm sure. But if he had had a costume in the package to lend to some one, he couldn't very well have brought it back with him."

"Yes, *if*," said Dr. Zeunemann. "Then you're right. Did the defendant own a Chinese kimono?"

"I saw some Chinese stuff once," Miss Klinkhart answered. "Incidentally, I don't know everything that the doctor owns. I'm not a snooper."

Dr. Zeunemann played with the papers on his desk during a long pause, and then asked, "Did the defendant tell you about the legacy as soon as he heard of it?"

"Yes, he called me in," Miss Klinkhart related. "I happened to be in the kitchen, and he was very much excited and he was making all sorts of plans

for the future. He asked me what I wanted in the way of a present, and he stipulated that it must be something pretty and expensive. I told him that the only thing I wanted was a pair of diamond earrings. He promised me them, but he teased me at the same time, the way he always does. We laughed a good deal."

"Then he was very happy about it?"

"Of course," said Miss Klinkhart calmly. "He was insanely happy. He was always in pretty poor circumstances and he liked to make believe that he was rich. He was like a child when he had day dreams like that. But the next minute he often said that he despised the whole show."

At the conclusion of the day's proceedings a tailor and a barber, to whom Deruga was rather heavily indebted, testified. The tailor's polished manner was not so ingratiating as Dr. von Maulchen's, but equally damning. In fact, he condemned all poor wretches, especially those who had some money, but not enough, or not enough taste and breeding, to trust themselves to him or to some other artist in dress like himself. He said that he had mistrusted Dr. Deruga shortly after meeting him, because he could not regard him as true gentleman. He, the tailor, had

an exceptionally fine clientèle, and therefore could not easily be mistaken on this point. Deruga had been much too cordial in his relations with employees in the shop, and had occasionally joked with him, the tailor, a habit of which he did not approve. It was bad for the morale of the shop. Deruga had not understood his hints in regard to this habit. For that reason, too, he had sent Deruga his bills every six months, whereas he billed his refined customers only once a year. Deruga had owed him $240 for two and a half years. Of course, that wasn't much, and he would not make a fuss about it to a refined customer; but he naturally could not be indifferent to the sum where a man of doubtful character was concerned.

To the question as to whether Deruga had ever said anything to him about an expected legacy or some other source of money at his command, the tailor answered with genteel restraint that, as Deruga talked a great deal, he might have said something of the sort; he had, however, schooled himself never to repeat nor even to remember the private conversations of his customers, and consequently was not in a position to recall. Moreover, Deruga's chatter seemed to him much too inconsequential to remember.

The barber stated emphatically and heatedly that

Deruga would have paid him all that he owed him, if he had ever asked him for it. Deruga had, however, been too dear to him, a man after his own heart, highly gifted and noble, whom he always felt it an honor to serve. His eye could see the very soul of a man, he never let himself be blinded by outward appearances, and he did not look down on the humblest. "And if he never paid me one cent, gentlemen," the barber cried out with ardor, "I should always serve him to the best of my ability and should never stop saying, 'There is a great man.' "

"Was Deruga in your shop after he had been informed of the legacy?" asked the judge.

"I may flatter myself to have been the first," the barber answered, "to whom the doctor opened his heart about the matter. 'Now I shall reward you regally,' he said to me, 'for you deserve it, not only for your art, but also for your good sentiments.' The doctor and I were on intimate terms. I answered that he could pay me or not, as he pleased, but that he should not withdraw his patronage. 'Then you don't know Deruga!' he exclaimed. 'Do you think that I rate your shop low because it is on a side street and has no gold mirrors and chairs? If I were the emperor of China, I should let your master hand shave

me as I sat in this shabby but comfortable chair. I hate and despise money, and if I didn't need it to ward off that noxious insect called man, I should throw the whole inheritance into the nearest gutter.' "

The prosecuting attorney shook his head and laughed scornfully. *Quo usque tandem?* was written in his face; doesn't his depravity shriek to high heaven?

"Did the defendant come to your shop every day?" asked the judge.

"As a rule," answered the barber. "Both I and my customers missed him very much when he skipped a day."

"Do you remember whether he failed to come on the second and third of last October?"

"I remember," said the barber, "that late in summer or early in fall I did not see him for a few days. But I did not notice the date."

"Do you remember what reason he gave for his absence on his return?" And in a harsher tone Dr. Zeunemann added, "You were so intimate that I assume you asked him about it."

"I remember especially that I avoided asking him, because he was quiet and seemed lost in his own thoughts," answered the witness. "I am only a

barber by profession," he added loftily, "but I have enough native tact not to let the confidences of a noble man make me inquisitive, and I know when it's time for jest or for serious matters. I especially never drew the doctor out or tried to get him to talk when I saw that he was sunk in thought or low in spirits."

"What did you presume was the reason for the defendant's absence," the judge asked further, "and for his unusually serious mood?"

"I didn't presume anything," said the barber, mild disapproval and admonition in his tone. "I allow myself no presumptions."

Dr. Zeunemann admitted defeat, and was about to dismiss the witness, when the prosecuting attorney announced that he wanted to ask one more question.

"Did the defendant buy or borrow a wig or a false beard late in the summer or even earlier?"

"I am sorry, but I don't carry such articles," said the barber with a polite but malicious smile. "In a small, modest, out-of-the-way shop like mine, it doesn't pay."

It was rather late in the afternoon, and the case was adjourned. As Mr. Fein laid his hand on Deruga's shoulder, Deruga, who had been sitting with his chin

in his hand, turned around and looked at him unsteadily with blinking eyes.

"So help me Heaven, I believe you were sleeping," said the lawyer, torn between astonishment and annoyance.

"I believe I was," Deruga answered. "The last thing I saw was that fellow, that tailor. He disgusted me and bored me so, that I closed my eyes, and I was dead to the world. I trained myself to do that while I was at the university, where I was often very tired. During lectures I could sleep for hours without attracting any one's attention except my friend Carlo Gabussi's, who sat next to me. O sad youth, yet sweet in memory!"

II

DR. ZEUNEMANN opened the case on the following day with the information that a witness who had come from Ragusa had begged to testify immediately, so that she might return to her family as soon as possible. He had not been inclined to comply with her request, he explained, because he did not consider her testimony vital, and was only admitting it because the defendant's lawyer had petitioned him. After due consideration, her testimony concerning the defendant's behavior towards his divorced wife in the early years of their marriage would be granted a hearing.

At a sign from the judge, a woman of average size entered the room. She was draped in brick-red trappings. On her fiery red hair, dressed in elaborate fringes and puffs, she wore a large hat cascaded with a Niagara Falls of white and blue ostrich feathers. She stepped forward a few paces, stood still, and looked about questioningly, an expectant smile on her lips. She had evidently had the position of the

prisoner's dock described to her, because that is where her eye rested, without being satisfied at first with the result of her probe.

Suddenly she screamed and cried out shrilly, "Dodo!" and ran towards Deruga with outstretched arms. But before she reached him the usher who had led her in seized her and placed her in front of a little table facing the judges, where she had to take her oath.

"Excuse me," she said, suppressing a sob, as she drew out her handkerchief, "but that was too much for me. This meeting after so many years! Such a change in him! And yet still the same dear, droll fellow! If you were to bring me a pan of glowing coals, your Honor, I swear I would place my hand in it to prove his innocence!"

"The matter is not so simple, more's the pity," said Dr. Zeunemann with benevolent mien. "But you can make our work much easier and at the same time be of service to the defendant, if you tell your story clearly, consistently, and succinctly. Your name is Rosina Schmid, née Vogelfrei, wife of an army captain, and you are forty-four years old?"

"Yes, indeed," said the lady. "I am not one to lie about my real age. Women as a rule are ashamed of

their age. As a matter of fact, the men, too, do all they can to look younger than they are, especially military men, and they'd do even more if it was as important for them to seem young as it is for us women."

"Mrs. Schmid," the judge asked, "you are acquainted with the defendant, Sigismondo Enea Deruga, but are not related to him. Will you be so good as to tell us, without bringing in any unnecessary details, when and how you became acquainted with him?"

"With pleasure," said Mrs. Schmid briskly. "I'll tell you everything I know. That's why I came. If I should have to go to the end of the world, I told my husband, I should gladly do it, to help Dodo out of the fix he's in. I owe him that; he was always so kind and good to me. And do this he didn't, even though he was always somewhat erratic and eccentric, a regular flower pot. He certainly never murdered anybody, least of all that good soul, his wife."

"Why do you call the defendant a flower pot?" Dr. Zeunemann asked, puzzled.

"Why," Mrs. Schmid explained, "that's what you call the figure which generally comes last of all in a display of fireworks, when there is such a great com-

motion and to-do that you think you're about to see a volcano in action. It was a sort of pet name that his wife called him by, because once in a while he'd get so terribly angry that he spit smoke and flame, so that she was afraid of him."

"It's a strange pet name," suggested the judge.

"Oh, your Honor," said Mrs. Schmid with a hearty laugh, "his intentions were all right. He was about as dangerous as a flower pot. That's why the name fitted him so well, and we all called him that, even though it wasn't the thing for me to do, since I was such a young girl."

The prosecuting attorney rose. "Let me call your attention to the fact that, according to the testimony of this witness, Mrs. Deruga was afraid of her husband."

Mrs. Schmid quickly turned to the speaker and said, as the blood mounted to her face, "If you think that you have scored a point against the doctor because I said he lost his temper easily, then you're woefully mistaken. People who lose their tempers easily are not the worst, and I'm borne out in that by the proverb: Barking dogs don't bite. I often said to my husband, 'As far as I'm concerned, you can scold and swear, you can even knock me down, but moping

and sulking, grumbling and grudging, that I won't stand for.' And I really do believe that a man who never loses his temper hasn't got his heart in the right place."

The judge put an end to the tirade with a gesture, and said, "Your testimony, Mrs. Schmid, is very valuable. Perhaps you will tell us now how you happened to become acquainted with the defendant?"

"Willingly, willingly," she answered. "On my long trip from Ragusa I often thought of those days. That's why it all seems as if it happened yesterday, even though it's twenty-two years ago. Yes, twenty-two years ago, and I was twenty-one then. My grandmother had just lost quite a bit of money in the lottery. Although she always fancied she was a model of good sense, she just couldn't live without gambling. And if she would have had to beg, play she must. Grandfather was angry, although he never mentioned the matter because he thought he'd better not. But because he pulled a long face, grandmother wanted to make up the loss, and so she furnished the old lodge in the garden to sublet, and we wrote an advertisement for the papers. I can see it as though it happened yesterday. We sat around the table in the lamplight in the evening and racked our brains

to word the advertisement correctly. For grandmother wasn't good at writing, and grandfather wouldn't have anything to do with it. First of all, he said, it was not proper for a man in his position to rent out rooms—he was a captain in the army, but no longer in the service; secondly, he couldn't stand strangers in the house; and thirdly, it was a shame to talk innocent people into renting that old shanty to live in."

"Your grandmother was obviously not a German woman," interposed the judge, "since it was difficult for her to write German."

"No, of course not," answered Mrs. Schmid. "She came from Bosnia, but she was a very pretty woman and, furthermore, cultured, only not in letters."

"And your parents?" asked the judge.

"Yes, my parents came from there, too," said Mrs. Schmid, blushing, "but they died too early for me to remember them, and I really considered grandmother and grandfather my parents. So, to proceed with my story, when grandfather said that, grandmother flew into a rage and said that Kaiser Joseph or Ferdinand or Maximilian, I've forgotten just which one, had built the lodge for his mistress, as the surrounding country at that time was all woods and meadows; and there was still some painting on

the ceiling and a stone vase on the steps, a little chipped. Furthermore, she didn't intend to talk people into taking it, she just wanted to show it to them. They could keep their eyes open and depart in peace, if they didn't like it, she said. When grandmother was in a rage, she looked very majestic; she had a curved nose like a parrot, but prettier, eyes like diamonds, and thick white hair that looked like snow. To make up with her, grandfather finally helped with the advertisement, and it read as follows: 'To rent, in Laibach, a fashionable lodge, can be used in winter. Pleasant surroundings, partly furnished. Especially suitable for a young couple.' You see, grandmother wanted to write 'for young lovers.' But grandfather grew angry at that and said that grandmother would yet ruin his good name and reputation, and that she was worse than a gypsy. So grandmother gave in to him, for she had great respect for grandfather's dignity and knowledge of the world, and 'young couple' was put in the advertisement instead."

"And Dr. Deruga and his wife answered this advertisement?" asked the judge. "When was that?"

"Twenty-two years ago, as I already told you," answered Mrs. Schmid. "I think it was in May."

"It was in July," said Deruga, "for the linden

tree under which we used to sit in the evening was in full bloom, and the roses in the arch over the gate were in bloom when we walked into the garden for the first time."

Every one looked in amazement at the defendant, for the pleasant cadence of his voice impressed them. What he said sounded almost like a little song.

The colorful woman showed an inclination to run to him again, but controlled herself and merely said, "You're right, it was July! You know best, and anyway, you could tell everything better and nicer than I can."

"Spread out, high up over our lodge, was the Great Bear," Deruga continued, "and when Mingo and I came home at night, hand in hand, I used to look at it and think: How soon, Great Bear, will we be swept away from these short, mad moments into eternal darkness?"

"Yes, I must have heard you say something of the sort," interrupted Mrs. Schmid, "for the next summer, when the Bear was in the sky, it always looked so lonely to me; yet naturally it had always been alone before."

"So you thought of us occasionally, Brutta?" Deruga asked.

Mrs. Schmid pulled out her handkerchief and began to cry. "Oh," she sobbed, "you tear at my heart strings, when you call me Brutta. For years no one has called me by that name, for grandfather and grandmother died long ago, and I couldn't bear to go back home again. Who knows, if the Great Bear still shines over our home?"

The judge again turned to the matter in hand and asked Mrs. Schmid to calm herself and to tell whether the young Derugas seemed to be happy in their marriage and whether they made a good impression on her grandparents.

"And how!" said Mrs. Schmid. "Especially the doctor. I mean, Mrs. Deruga pleased grandfather more, but he hid his feelings. But when grandmother liked some one, she let him see it. From the very first minute she said that the doctor would have been the man for me."

"What made her say that?" asked Dr. Zeunemann. "Did he show you any special attention?"

"Not a bit of it!" said Mrs. Schmid. "He only teased me. That's his way. For instance, he always used to tell me that I was so homely that he could only look at me with one eye, or he wouldn't be able to stand it. And whenever I happened to meet

him, he'd close one eye, sometimes the one, sometimes the other. To save them, he'd say. The faces that he made were too funny and I couldn't help laughing, and grandmother used to laugh too; but it annoyed her a little bit anyway. She never let him notice it, however; she took it out on me. As a matter of fact, to tell the honest truth, I had to stand a good deal from her, because she was quick-tempered and irritable, though she was a marvelous woman, whom I shall love and honor to my dying day."

"You did not consider the defendant's behavior rude?" questioned the judge.

"Far from it!" Mrs. Schmid replied. "When you're told that you're homely in the way he told you, you're sure that you're pretty. I never thought of marriage. He had a wife, one whom I worshipped fanatically. Grandmother wasn't very fond of her at first, but later on she loved her almost more than she loved the doctor. At first she had all sorts of things to criticize about her: she said she was too old for the doctor—she really was a few years older —and particularly, she wasn't temperamental enough for such a handsome and charming man. Her face was not unattractive, if one looked closely, but her

eyes were too gentle and consequently tiresome. An even disposition was like milk soup, she said; if you had to eat it every day, you grew tired of it. On the other hand, a good peppery, spicy stew never grew tiresome. There was only one thing that grandmother liked about her, and that was the nape of her neck. The poor dear always wore a low-necked dress, even though it wasn't the fashion then as it is now, and when she walked in the garden, lightly, as if she had wings on her feet, my grandmother would say, 'All in all, I don't like her, but I should like to kiss the nape of her neck.'

"One day, it must have been in October, for we were picking grapes, grandmother was in a particularly bad temper, as she was every year during grape harvest. You see, during the summer she always imagined that they were sweet, but when the time came, they were always sour again. In the morning, at breakfast, she boxed my ears because I dropped a coffee cup. That is, she had given me a push; but she said that was no excuse, because I had stared at her so stupidly. That was the time she told me that if I only were clever, it wouldn't be so bad, but homely and stupid into the bargain, well, was it any wonder that the doctor hadn't taken me? It

never occurred to her that he didn't know me at all before he married and therefore couldn't have married me if he had wanted to. I was a booby in the kitchen, too, she said, and happiness in marriage depended on good cooking. Every day of my life I thank her for laying so much stress on cooking, because my husband says that my home-cooking tastes better to him than food in the finest hotels in Vienna and Prague, and he's seen the world and knows what he's talking about.

"Well, on that day I wanted to make a *risotto,* and because I had already made one under grandmother's direction, I thought I could surely make a good one. So I cut my onions and liver and everything, and got all the ingredients together, and suddenly it occurred to me that I was hungry, and that there were a few grapes left on the vine. I thought I could pick those without letting grandmother see me. So I added a little soup stock to the pot and thought I could leave it for a while. But *risotto,* you see, should be stirred constantly, and I knew it well enough; I was a little thoughtless and smart in those days. Now I can't understand it; but when you're young, your thoughts pass from one thing to another without rhyme or reason when you're thinking of the fu-

ture: a suitor, courtship, marriage, and so on. And I really forgot all about dinner in my day-dreaming. All at once grandmother was standing there in front of me, in her wrapper, her face as red as burning coals, and she screamed at me: 'There she stands, wool-gathering, the hussy, and she's let the *risotto* burn!' I could even smell it myself through the kitchen window. We were standing outdoors, under the window. I can't understand why I didn't notice the smell sooner. And then she fell on me, and grabbed me by the hair with one hand and beat me with the other so hard that I thought a tornado had struck me. It didn't hurt me because I was too amazed by it all. But I was even more astonished when grandmother, in turn, was caught up by a cyclone and pulled off, and Mrs. Deruga stood between us, like the angel with the fiery sword who drove Adam and Eve out of Paradise, with her eyes not blue as usual, but black and blazing; at least that's the way they looked to me at the time.

" 'Leave the child alone, you hateful, godless hyena!' she cried as loudly and harshly as she could. After a while she said more gently and quietly, 'Medusa, I meant to say.' When she said that, it most likely struck her a bit comical, because she began to

laugh, and then grandmother laughed loudly, and when I heard them I laughed so hard that I was almost hysterical, and I fell on Mrs. Deruga's neck, who laughed till she cried."

During this recital the judges as well as Dr. Bernburger were watching the defendant closely, for he showed plainly by his varying expressions that he was reliving the past, his wide, handsome eyes gleaming like bright metal. He seemed to have forgotten his surroundings completely, and he said artlessly to his old friend, "Poor little Marmotta" (his pet name for his wife) "poor, good, weak little person! That's the way she shielded the little one from me later on, when the baby needed her spanking as much as you did yours, Brutta. But go on, go on! What did your grandmother do then?"

"Grandmother's eyes were wet," continued Mrs. Schmid, "but not only from laughing. She was touched; Mrs. Deruga touched her, and she made no secret of it. For although she was quick-tempered and irritable, as I said, she was never false, and when she was in the wrong she always admitted it. She put her hands on her hips and said, 'So still waters run deep! A regular torrent! I admit I'm a stupid old woman. And if I were the doctor, I'd have

married you on the spot, because I like you so much. Now I must kiss the nape of your neck!' With that, she put her arms around Mrs. Deruga and kissed her not only on the neck, but also on both cheeks, and then she said the *risotto* should be forgiven and forgotten, and that she'd get dinner, for her cooking was better than one would expect of a godless hyena. As a matter of fact, she got together the finest kind of a dinner in one hour, a meat pie and dumplings, and I don't understand to this day how she did it, for those dishes take time. But I had to help; and I got my share of cuffs and slaps, but they didn't hurt me because she looked so happy. Afterwards, at dinner, at which poor little Marmotta, I mean Mrs. Deruga, had to join us, grandmother talked a good deal about bringing up children. She said that girls must learn not to be too dainty and sensitive, for their husbands wouldn't pamper them. If a girl never deserved a cuff and didn't know how to save her own skin, so much the worse for her; women who let themselves be imposed upon were only despised. A woman who brought her husband no money was regarded as a burden, she said. Therefore a girl either had to have money of her own or else know how to cook. Poor little Marmotta bragged

about her husband, and said that he wasn't like that. But grandmother, who had made such a fuss about him up to this time, said that he was no exception to the rule. In this respect they were all alike, she said, and if love made any man unselfish, he would hate his wife the more, because she had blinded him."

"Why do you always refer to Mrs. Deruga as 'poor little Marmotta'?" asked the judge, who was listening with admirable patience.

"Why, because she's dead," Mrs. Schmid answered, after a pause, seemingly at a loss for words.

"Oh," said Dr. Zeuneman, "while she was alive you never referred to her in those words?"

"No, indeed," said Mrs. Schmid, "on the contrary, I envied her. But there was something helpless about her, and once in a while she seemed to be rather sad and frightened. So I may have called her 'poor little Marmotta' after all."

"Do you know why she occasionally was sad?" the judge asked.

"Why?" interrupted Deruga jeeringly. "I can tell you why. Because she did not love her husband as she should; because she was thinking of another man, who suited her better; and because she was afraid of my jealousy. For we Italians don't have

milk or water in our veins, but blood; and our eyes grow blood-red when we're angry."

Mrs. Schmid threw a scared and reproachful look at Deruga and said, turning to the judge, "He's only fooling. He always was a teaser and loved to mystify and alarm people." She turned to Deruga. "Then why do you suppose poor little Marmotta married you? A child could see that she loved you."

Deruga had already buried his head in his hands, and he gave no sign of hearing.

"If she was afraid of him," continued Mrs. Schmid to the judge, "it was certainly no fault of his. It was because she was exceptionally timid. One night a drunken man made some sort of disturbance. I don't remember the details, but I know that we all teased her about it."

The judge urged Mrs. Schmid to recall the details or to tell whatever she remembered of the occasion. Since she could not remember anything more about it, he asked Deruga if he by chance remembered the incident.

Deruga lifted his head and looked as if he had not the slightest idea of what they were talking.

"Oh, you remember, doctor, don't you?" Mrs. Schmid said. "One night a drunken man came past

the lodge and made so much noise that your wife woke up and thought it was directly under your window. It must have been in November, because it was a stormy and rainy night, and you weren't in the mood to get up, so you pretended to be asleep, while your wife nearly died of fright. It was something like that. Don't you remember?"

"Yes, I do," Deruga answered. "My wife was unusually affectionate that night. I woke up because she was clinging close to me and pressing her head on my shoulder. When I, still half asleep, fondly imagined that she was falling in love with me, she begged me to protect her from the drunkard. 'He's directly under the window,' she said. 'He'll be breaking in, any minute. What shall we do, oh, what shall we do? Oh, close the window.' I cried, 'I should say not. For once in your life you're affectionate.' I must have said it very maliciously, for she moved away from me and turned her face to the wall and cried. I said even more cuttingly than before that she should not be so stupid as to cry; and furthermore, if she felt so unhappy, she should not be afraid to die. And if she were so unhappy that she could die, she answered me, she would not want a nasty, drunken man to seize her and choke her to death.

She did not tell me that she wasn't at all unhappy. 'The fellow is lying out there in the gutter and he'll carry on until he falls asleep,' I said, and then I pretended to be asleep myself, in order to torture her. After a half hour the noise died down, and she immediately fell quietly and soundly asleep, while I lay awake next to her and looked at her pretty white neck and thought how easily I could choke her, and how she would scarcely feel it."

The prosecuting attorney lifted his eyebrows triumphantly and, pointing his finger, was on the verge of speaking, when Deruga's lawyer said lightly, as if it were of no importance whatever, "But you see he did not do it. Barking dogs don't bite, as our witness has already said."

Before the prosecuting attorney could utter a sound, Dr. Zeunemann, after looking at the associate judges for their assent, declared the case adjourned for the noon recess. He explained that he would like to ask Mrs. Schmid a few more questions when the proceedings were resumed at three o'clock. She might leave directly after that, if his colleagues agreed to his plans. The night train to Vienna left at eight o'clock.

III

DR. BERNBURGER had attended the trial with a young friend of his, a nerve specialist named Dr. von Wydenbruck. They left the court house together. The two men were entirely different, but through their common interest in psychology and its ramifications, they had become rather intimate. Bernburger especially cherished the relationship ever since the time when Dr. von Wydenbruck had treated him for melancholia. Bernburger was small, with a weak body, but a fine head and extremely clever, observant eyes. Dr. von Wydenbruck, on the contrary, was tall, slim, and well-proportioned, and had finely-cut features, which near at hand seemed to be cameo-like. His walk had something elastic and supple about it, as if he were always ready to step aside or to adapt himself to his surroundings; but as a matter of fact, he put out very sensitive feelers, but remained unchanged—an immovable person.

"Another case of the union of two hysterics," he said, as they walked down the broad main street which led to the center of town.

"You don't consider Deruga hysterical, do you?" asked Dr. Bernburger eagerly, looking up at his companion. "I should consider him just the opposite. I am sure that he committed the crime quite dispassionately, with an incomparable peace of mind; yes, even as a matter of course, which made it possible for him to make no false move that would incriminate him. It is a well-known fact that criminals who set to work with premeditated plans always make some sort of mistake which betrays them. Deruga committed the murder the way another man ladles out his soup, incidentally, almost mechanically; and for that reason he left no trace."

"A very acute observation," lauded Dr. von Wydenbruck. "Unconscious actions are the only actions which are vital and complete in themselves, faultless and infallible. I should like to add, blameless, too."

"In themselves, perhaps, dependent on their usefulness," Bernburger replied. "But that's not the accepted point of view. If it were, then no amoral person could be held responsible for his amoral actions."

"Well, is he?" asked Von Wydenbruck. "But in my opinion," he continued, "Deruga does not belong

in that category. I consider him and also his wife morally responsible, but hysterical. Nowadays murder for its own sake only occurs in the lowest stratum of society; when it occurs in cultured circles, it points to hysteria or perversion."

"That holds true for us, the Nordics," said Bernburger, "but not for Italians. Furthermore, even among us we find certain circumstances and passions which in themselves drive a cultured person to murder; for instance, jealousy."

"I should classify jealousy itself as an unnatural manifestation," said the other. "At any rate, I believe that in this particular case we are dealing with an hysterical murder mania, which is nothing more nor less than a suppressed love instinct. Even if Deruga's wife loved him, as this good, ridiculous Brutta testified, he finds no satisfaction in the fact. In order to stimulate her love, he excites fear. Her terror increases his enjoyment, but his inordinate desire remains unsatisfied and is not satiated even with her death. These unfortunates are the real vampires of fable."

"I don't doubt that there is something in what you say," Dr. Bernburger responded. "Perhaps every one of us has something of the vampire in him; but I

cannot admit the validity of your argument, since you do not consider external motives at all. They actually exist and produce results of one kind or another."

"In healthy, normal people, yes," answered Von Wydenbruck. "In sick souls scarcely ever, or only when they are arbitrarily turned to good account. Deruga manifests his hysteria by his extremely noticeable tendency to shout out anything that comes into his head. He is very nervous and easily moved to tears, and the very next minute he seems to be made of stone. At such times he seems to dissociate himself completely. If he made up his mind to it, he might really crack, and then we'd have a manifestation of his alter ego."

"And his wife?" probed Bernburger. "Why do you think that his wife was hysterical?"

"Her chronic fear is a sufficient symptom," Dr. von Wydenbruck said. "Consider how homicidal mania and fear react to each other. It is remarkable that such natures always attract each other, in order to intensify their natural peculiarities to the utmost and to fulfill their destinies. The urge for self-destruction breaks down all obstacles and manifests itself as an enigmatical emotion."

It almost seemed as if they had shared their thoughts with Mr. Fein, Deruga's lawyer; for when he met his client after the morning proceedings, he said, "See here, doctor, if we wanted to plead insanity, we should have a rather good chance to win the case, I believe."

"Do whatever you please," said Deruga. "I leave everything to you, you know. Since I am a very good soul and see things as they are and call them by their right names, it is quite possible that people think I am insane."

Mr. Fein invited himself to lunch with Deruga, and suggested a bottle of good wine. Without a swallow of wine, a good cigar, and a cup of good coffee, he said, he could not possibly carry on at three o'clock.

"That's right, come along; we can have a little talk," said Deruga. "But see here," he interrupted himself suddenly, "are you coming along because you like me, or because you want to pump me?"

"Well, my dear fellow," laughed the lawyer, "what am I here for, anyway? I represent your interests, and if you had any sense, you'd tell me everything from the beginning, instead of bursting out

with it at the wrong time and to your own harm. Man, I swear to God, you make the job hard for me!"

"When I unexpectedly meet an old friend whom I haven't seen for twenty years," Deruga said, in excuse, "we naturally have a lot to say to each other. You should have warned me. Anyway, it's all the same to me."

The table was already set in Deruga's small, old-fashioned room, and a second cover was soon laid. After the lawyer had had a bite of lunch, he leaned back comfortably and said, "You really loved your wife to the point of frenzy, didn't you?"

"Oh, I don't know," Deruga answered coolly. "That's natural enough during the honeymoon. Since then I've loved God only knows how many others."

"Yes, I suppose so," agreed the lawyer. "But a man has to be very much in love with a woman to get himself into such a dilemna as this."

"First of all, I could not know what the future would bring," Deruga replied. "Secondly, I should do the same thing for any one, and it's a pity that every one would not do likewise. If a hunter did not kill a wounded animal as quickly as he could, he would be called a cruel fellow, and rightly. But one sees people suffering agonies for weeks, even months,

before they're able to die, without lifting a hand to help them. That's Christian charity! As if any man could give his fellow man a more precious gift than death! I should be much more grateful to the man who shortened my life if I were no longer fit to live than to the man who gave me life."

"But there are two sides to the question, my dear fellow," said the lawyer. "With that premise, every nephew could kill his rich uncle, whose heir he was, and declare that he did it out of Christian charity."

The blood rushed to Deruga's face. "What do you mean by that?" he said. "That's a nasty allusion and I forbid it."

"But it's very much to the point," said the lawyer appeasingly, "and if you're going to be hypersensitive about it, there's no use in talking. Man is a complex creature; he has good instincts, and bad. If a man kills some one whose death brings him any advantages, then we must at least consider it possible that he did it for the advantages it would bring."

"You know very well," Deruga answered, "that I had not the slightest presentiment of my wife's will!"

"You mean, that's what you told me," corrected the lawyer calmly.

"If you don't believe me," cried Deruga, enraged, "I won't talk with you at all any longer. What do you mean by taking my case, if you think I'm an ordinary criminal who would murder for profit? That's indecent, just as indecent as if I'd murdered my wife to get her money. And it's indecent to associate with me behind a mask of friendship and good-will." His face had grown a grayish white, and involuntarily he gripped the handle of his knife tight in his slender, brown hand.

"Listen to me," said the lawyer good-naturedly. "Do you intend to slit my throat between the cheese and the coffee? You're a hot-tempered Italian, and I ought to put on tin armor before I come to see you."

"Before you insult me," Deruga retorted. "Only it would not help you much."

"Am I insulting you," continued the lawyer, "when I say that I think it possible that you knew the contents of your wife's will? Do I say this knowledge instigated the deed? I only say, that we must consider it possible that this knowledge was an added inducement."

Deruga let his knife fall on the table and leaned back in his chair wearily. "The possibility is ruled out," he said, "because your supposition is wrong.

You know that the will could not have influenced me, because I had no idea what was in it. You know that because I tell you that, and you must believe me. The so-called public, which is stupid and does not know me, does not need to believe me; but I demand that you believe me."

After a short silence, the lawyer said, "My good fellow, try to show in your own actions a part of the justice which you demand in so large a measure from others! Only recently have I had the pleasure of meeting you, and I made your acquaintance under very suspicious circumstances. People don't speak well of you. Your life is licentious. You work only when you haven't a cent in your pocket, although you have a profitable profession and plenty of brains. You've purposely come down in the world, and are, so to say, a willing vagabond. Would it not be careless of me, or stupid, if I took your word through thick and thin, even when circumstantial evidence or actual facts pointed to the contrary? Wouldn't you be the first to laugh at me and say, 'That Fein is a regular German, as stupid as they come?' "

Deruga turned to the lawyer with a charming smile. "For a German you're really pretty shrewd," he said, "and you're a good fellow into the bargain.

But I don't see why you wouldn't let me tell the truth. Then there'd be an end to this long-drawn-out and nasty business."

The lawyer contemplated the smoke from his cigar, lost in thought. Finally he shook his head. "My advice, I am sure, was right," he said. "You could never prove that you did the deed from pure, noble motives; on the other hand, they can't prove that you did it at all, unless they find new evidence. So I think that if you deny the charge, I can see you through the trial. And that is surely better than a few years in prison, even if you might have played the kindly rôle of a Diogenes. So we'll put everything at stake, and we may win everything. Following the other alternative, we might at best win but a partial victory."

"And you don't do job-tailoring, but are a master tailor," said Deruga. "I, however, really belong to the guild of job-tailors."

"A genuine Italian can play the beggar as well as the nobleman," the lawyer replied. "As soon as you are free and have your inheritance, you will forget this short period of pain and will perhaps start life anew."

"Start life anew?" asked Deruga, scornfully. "At forty-six? As if I weren't fed up with it!"

"Well, let's talk no more of it," said the lawyer. "Live your life as you please. At all events, you seem to have thought my earlier advice sensible, and you've taken it *in toto*."

"I do everything you suggest, to keep Baroness Truschkowitz, that deceitful person, from getting the inheritance," Deruga answered. "If it weren't for that, I'd just as soon let them cut off my head or put me in jail. Life isn't worth such a battle."

IV

ON this sunny afternoon in spring, Dr. von Wydenbruck met Dr. Zeunemann on the broad avenue that led up to the courthouse, introduced himself, and expressed his amazement at the way in which the latter was conducting the trial. He was grateful, he said, for having been allowed to study the complicated psychological problem involved in the case, and he was convinced that Dr. Zeunemann would shed more and more light on its hidden depths and shoals.

"I try to ask my questions in such a way," said the judge, "that everything relating to the case is revealed, both hidden motives and outer facts. Not with levers and screws, you know, but involuntarily,—the way a scroll unrolls."

"Yes, I noticed that," said Dr. von Wydenbruck. "It's marvelous. You conjure up, to a certain extent, the necessary atmosphere and setting, and the play of life manifests itself. Up to the present, you have let the light of day shine; perhaps you will let the

night come, let the shadows of Hades rise up from the soul."

"You are a psychologist and are studying the case?" Dr. Zeunemann asked.

"Many crumbs fall from your table," Dr. von Wydenbruck answered courteously.

They were standing on the broad outside staircase, still conversing, when the clock struck three. "I cannot do as much about the matter as you think," explained the judge. "An authority on criminal law gets nowhere nowadays without a knowledge of the human heart. I purposely say 'knowledge of the human heart' in order to emphasize the fact that I think it is not so much an accepted branch of knowledge which is concerned here as an instinctive feeling, one might almost call it a native understanding. I am much more inclined to be guided by emotion than by intellect. You will be surprised to hear such a statement from a lawyer."

While Dr. von Wydenbruck was expressing his surprise and amazement, the jury had filed in and taken their places. One of the jury, Kocherle, a dealer in poultry, asked his neighbor, the foreman, a merchant named Winkler, who the lady was who sat in

the first row and who held a gold lorgnette on a long handle.

"Why, that's Baroness Truschkowitz, who started the whole business," said the merchant. "Don't you know her?"

"Is that what she looks like?" cried the other in amazement. "I imagined that she was very shabby and undernourished, because she talks about her needy children, and the way they have to struggle through life."

"The nobility," the merchant answered, shrugging his shoulders, "have peculiar ideas about what a man needs and what he wants. Furthermore, if a man who has a lot can have still more, he never says 'No.'"

The poultry dealer admitted the truth of the statement, but he found it in bad taste, he said, for her to be so well dressed when she talked as if her children were crying for bread.

"But she is dressed in good taste," remarked the merchant. "And expensively," he added, as he cast an appraising eye over the lady. "That tuft of heron's feathers in her hat, about twenty-five dollars; the diamonds in the handle of her lorgnette, about two hundred and fifty."

"Are they real diamonds?" asked the poultry dealer with eyes wide in amazement.

"Yes, imitation jewels haven't that sparkle," said the merchant, almost testily. "If they manage to make good imitation diamonds, they make them chemically perfect, as far as I know; but they can't reproduce the sparkle. Don't tell me that they can. Nature is inimitable."

"Are the stones on her hat diamonds, too?" the poultry dealer inquired.

"No, indeed," answered the merchant unapprovingly, "such a woman knows the canons of good taste too well for that. That's a modern imitation pin, which cost about twelve dollars. But you're a regular child in such matters!"

"You're right," the poultry dealer agreed. "If my wife didn't look after me, you couldn't distinguish me from a backwoodsman. And I'll be perfectly frank with you. I can't tell the difference between a so-called elegant society woman and a demimondaine."

"Don't tell me," cried the merchant. "Why, that's impossible! You surely see some difference."

"Tell me, what type does the Truschkowitz belong to?" asked the poultry dealer. "Isn't she just about on the border line?"

"I beg your pardon," said the merchant, blushing in annoyance, "she is a very fine woman of the world, a society leader. Her costume is in excellent taste and thoroughly refined."

"Well, you know," interposed the other, "a clever demimondaine should be able to copy it. They learn such things very quickly."

"No," disagreed the merchant, still red and excited, "they don't learn that certain something. They can't learn it, because it's something which can only be felt. Some little thing gives them away."

The entrance of the judge and his associates interrupted the conversation. Mrs. Schmid was recalled, and after Dr. Zeunemann had cautioned her again to tell the truth and the whole truth, he summarized her testimony:

"Shortly after his marriage to Mrs. Swieter, who was his senior by several years, the defendant moved into the lodge rented from your grandparents in Laibach. The Derugas seemed to be a happy couple. Nevertheless, their happiness was clouded by certain idiosyncrasies of the husband; for instance, his inclination towards extreme irritability and his propensity towards jealousy. I have understood you correctly, have I not?"

"I can't possibly know anything about that," said Mrs. Schmid, "for it deals with bygones. It's quite possible that poor little Marmotta had been in love with some one else, because she was at least thirty years old; yes, I really believe she had been, for the doctor would have been a fool to invent the story just to plague her and himself."

"But you said this morning," Dr. Zeunemann pointed out, "that you considered it utterly impossible for Mrs. Deruga to have been guilty of any charge at all."

"But we're not talking of guilt," protested Mrs. Schmid. "My God, a person can be fond of another, without having anything fatal happen. I was fond of our dear doctor—well, it was nipped in the bud—but if we had had an occasional kiss, what harm was done? Of all people, I trust the finicky ones the least."

"But you have no facts," said Dr. Zeunemann, "which would prove that Mrs. Deruga still clung to a previous attachment?"

"No, indeed!" cried Mrs. Schmid, her voice rising. "What do you mean? Why, she would have been an abandoned creature! Just ask Dr. Deruga himself,

and he'll tell you all right. I believe he'd jump at your throat, if you asked him anything like that!"

Dr. Zeunemann could not restrain a smile. "That is why I should rather ask you," he said. "You think it possible, then, that before her marriage Mrs. Deruga might have been in love with some one else, but you are convinced that at her marriage she ceased to be. In view of the fact that the defendant established his practice in Linz, he gave up your grandparents' lodge. Did you associate with the doctor and his wife after that?"

"They sent us an announcement when the little girl was born," Mrs. Schmid replied. "I asked grandmother for the announcement, and I still have it. I always had the feeling that they were exceptional people, and I expected something exceptional to happen to them. But I did not think it would turn out the way it did."

After a few more questions about Deruga's acquaintances and his financial circumstances, Mrs. Schmid was excused, and a polished gentleman about thirty-six years old followed her on the stand. He was so exceedingly immaculate, that he reminded one of a fashion plate. His features were so regular that his face looked like a magazine cover, except that it

was not smooth and rosy, but gray, tired, and somewhat careworn.

He bowed to show his respect to the court of justice, a respect which he showed to every function of the state, no matter how superior he might feel. Among other personal data, he testified that his name was Peter Hase and that he lived in Munich. Then he was asked to tell how he happened to become acquainted with the defendant.

"We were introduced in the Café Cavalier, of which he was an habitué. It is not a first-rate café, but it is situated in a very convenient location and is rather well patronized by artists, precisely because it was not established for them. Deruga is very well known there, and I had often heard his name mentioned because of his eccentric personality and his good conversation, so that I was happy to make his acquaintance. He had his own particular chair at his own particular table, where a rather mixed group used to sit."

"Did outsiders ever sit there?" the judge asked.

"Yes," answered Peter Hase, "especially Bohemians." He pronounced the words with such a lack of expression that it was impossible to decide whether he felt distaste or sympathy or anything whatever for

the idea. He had something sublimely impersonal about him; he seemed to belong in no surroundings but blank, white walls.

"Did you become intimate with Deruga?" asked Dr. Zeunemann.

"No, I did not," Mr. Hase replied, inferring that he could become intimate with no one, much less pass judgment on him, "but he interested me every time I saw him."

"May I ask you," said the judge, "to describe the scene that occurred between you and Deruga in this café?"

Mr. Hase bowed his agreement. "Allow me to correct the impression," he began, "that there was any scene between Dr. Deruga and me. I took no active part in the matter. At the time, there had been a mining accident in which a number of miners were injured, and a collection was being taken up for their families. On that afternoon a lady came into the café to solicit subscriptions."

"A lady?" the judge asked.

"A woman, if you prefer," said Mr. Hase. "She was quite decently dressed. She approached our table, and as I was sitting nearest to her, I gave her to understand, by some gesture or other, that I did not

want to be bothered. I consider collections of any sort in a place of entertainment a breach of good taste. Dr. Deruga, who is exceptionally observant, had noticed this little passage between us, and called the lady, or woman, back, just as she was on the point of leaving. 'Why don't you ask us, my dear?' he said. 'Come over here, we want to subscribe too.' Then he overwhelmed me with reproaches because I had arbitrarily frightened the woman away, without finding out how the rest of the company felt about the matter. In order to put an end to the business, I took up the list, signed my name for a certain sum, and passed it on. When it came to Deruga, he read the paper and the sums listed, and was annoyed, as I could immediately see by his expression, at the smallness of the amounts. 'You see, my dear,' he said to the lady, 'these gentlemen are rich and because they build themselves houses, keep automobiles, and must drink champagne, they have no money left for the wives and children of workingmen, of which there are too many, anyway. I, on the contrary, am poor, should really string myself up, and consequently need only a rope, which doesn't cost much; therefore I am in a position to subscribe seventy-five dollars, which I beg you to collect at my home address. Further-

more, as a pledge, you can take this pin.' As he said this, he took an odd, presumably valuable stickpin out of his tie and handed it to the lady, who, already embarrassed by his behavior, hesitated about accepting it, but finally did. A few of the men, who knew Deruga better than I did, told him that a respectable sum might be collected if every one would donate two or three dollars. They told him to look at the matter sensibly and to give a sum in keeping with his financial conditions. That irritated Dr. Deruga more than ever; he was furiously angry, and said all sorts of scornful things which I naturally could repeat only approximately."

The judge told him to do this, as well as he could from memory.

Mr. Hase bowed in agreement. "What he said was something like this: 'My financial conditions? What do you know about my financial conditions? In your eyes I am a poor devil, and you think that you can therefore be amused at me and tell me what to do. You see in me a sort of court jester, who exists to entertain you, but to make no demands on you. I could marry a rich wife as you did and be in the same financial conditions as you are. Furthermore, I don't even need to do that, because I can always call

the fortune of my divorced wife my own. After her death I shall be a rich man, and most likely just as stingy and greedy as you are now; so take my money while I am still poor, my dear!' Please do not forget," Mr. Hase added, "that I am telling the story as I remember it. I may be wrong. The best thing to do would be to ask Dr. Deruga, if what I have said is what he remembers having said."

The judge was turning to Deruga, when the latter called out in glee: "Your story is first-rate and worthy of such an excellent writer. I present a much better picture in the story than I had thought possible. I most likely said all that. Only, since Mr. Hase is decent, he left out all the vile names I hurled at his head; he omitted all my references to his callousness, his chronic habit of lying, and general worthlessness, and so on."

"I left out everything which was not pertinent to the case," said Mr. Hase, turning to the judge. "I suppose I should not have omitted telling about his outburst against me, because it clearly shows that when he is excited he is the prey of his emotions, and one can draw pretty accurate conclusions as to what he does in those moments."

"May I add a similar observation to those just

made by the witness?" asked Deruga's lawyer, rising from his chair. "The important part of the testimony just given is that one should never take Deruga too seriously. It is necessary to have been in Italy and to know Italians, to judge him correctly. His talk occasionally reminds me of the pathos with which an Italian quack doctor will cry out his corn plasters: 'Ladies and gentlemen, if your own blood brother were standing here, he could not serve you more honestly and honorably than I do. Not for my sake, but for your sakes am I here. What do a few cents matter compared with what I have to give—a painless existence, a conquering walk, the boon for women, the miracle for men!' "

The public laughed, but Dr. Zeunemann frowned slightly and said, "But we must not forget that the Italians, who are a clever people, know how to turn their national peculiarities to good account, and that a man who wears a mask nevertheless has a face of his own, even if it may be difficult to distinguish the true one. However, I do not intend to discuss philosophy; I want to establish facts. I should like to call your attention to the fact that the defendant has been known to have made similar remarks when he was feeling quite himself and not annoyed at any-

thing. Furthermore, I should like to know if the defendant paid the sum he subscribed."

Mr. Hase was sorry that he could give no information on the subject. In the first row of the jury, Mr. Winkler, the merchant, arose, and said, "The stickpin in the defendant's tie perhaps gives us the desired information. It may be the one he pledged, which he therefore redeemed."

Deruga acknowledged that it was the pin which he had pledged, drew it out, and offered it for examination.

"Did you really give them seventy-five dollars?" asked his lawyer. "How did you happen to have so much money to spare?" Deruga shrugged his shoulders impatiently. "Do you think," he said, "that I couldn't raise seventy-five dollars at a moment's notice? I might have asked the Italian consul for advance payment, for instance, for translations, medical examinations, or something of the sort. Deruga has brains in his head, not sawdust."

In the meantime the judge had examined the pin and asked Mr. Hase to identify it. After a cursory glance, Peter Hase affirmed that it was the pin which Deruga had pledged.

"It is a remarkably beautiful piece of jewelry,"

observed Dr. Zeunemann, lost in contemplation of the pin, which was the turbaned head of a Moor. The head was a black pearl, the turban a white one, set with many rubies and emeralds.

"A present from my wife," Deruga explained, as he took back the pin. "She thought it was just the thing for an Othello like me."

After this digression the judge asked the witness if he had anything further to say. Mr. Hase blushed slightly, for the first time. His attention had been diverted by the Baroness Truschkowitz, who, leaning far forward in her seat in the first row of benches, had been looking with absorbed attention at the stickpin in the judge's hand. Thus addressed, Hase turned around, startled, and said that he knew of nothing further, but was ready to answer any questions put to him.

At the end of the session, Peter Hase did not leave the court house, but waited for Dr. Zeunemann, introduced himself, and begged permission to ask a few questions. The judge obligingly invited him into his private office. Mr. Hase especially desired to know what punishment would be meted out to the defendant, in case, contrary to public opinion, he should be found guilty.

"Why, you see, my dear sir," Dr. Zeunemann answered, as he exchanged his judge's robe for his street clothes, "so far he has been accused only of manslaughter, and if he were found guilty, he would get off with a few years in the penitentiary. But our prosecuting attorney considers it a case of murder in the first degree, and if any more corroborating evidence crops up, the matter may become very serious for the defendant. If the prosecution, for instance, can prove that he knew the contents of the will, then most likely the prosecuting attorney would win his point. In that case, I should immediately commit Deruga to jail, sorry as I should be to do it."

"May I ask," Mr. Hase questioned, "how you regard the case personally?"

"I am too much of a psychologist," said Dr. Zeunemann, "not to be interested to some extent in problematic characters. To tell the truth, I haven't been able to determine as yet what basic colors this chameleon has."

"Why should he have any basic colors?" said Mr. Hase rather animatedly. "A shimmering change of color is natural to this unbelievable creature. I have a great sympathy for chameleons," he added, after a pause.

"I understand, I understand," answered Dr. Zeunemann. "They are pretty, but slippery. The aesthetic point of view, however, is very different from the moral, which, in turn, is not always identical with the judicial."

He was on the point of taking his broad-brimmed felt hat from the hatrack, when there was a knock at the door, and at his brusque "Come in!" the Baroness Truschkowitz appeared in the doorway, the prosecuting attorney behind her.

"Dear Judge," she said quickly, as she proffered her daintily gloved hand, "I know that it is very impertinent to visit you in your sanctuary and especially at this time. But you are too gallant to throw me out, and I am too unethical not to take advantage of your gallantry."

Dr. Zeunemann sighed in mock dismay. "Please make it short, Baroness," he said.

She had a clear young laugh, in which there was a cooing note that was somewhat seductive. "I shall be short about it," she said, "if you are. It is about the stickpin which you held in your hand to-day, and gave back to that person. I recognized it immediately as an heirloom of my great-grandmother's, that is, my and my dead cousin's great-grandmother. It is

unbearable for me to see this expensive memento in that person's hands, and I should like to ask you to see to it that it is transferred to me."

"To you, Baroness!" said Dr. Zeunemann in amazement. "Does it belong to you?"

"Of course," the baroness replied. "I am, as you know, the nearest of kin to the dead woman."

Dr. Zeunemann was so surprised that he involuntarily sat down. "Then the pin did not belong to your cousin?" he said. "And yet she saw fit to give it away as a present?"

"More's the pity," said the baroness. "But later she got a divorce, and in such a situation decent people return presents which they have received. Furthermore, he killed her! Surely you can't let him wear her pin."

The perplexed glances which the judge exchanged with the prosecuting attorney did not at all affect her composure. "Well?" she asked, with an energetic toss of her head. "You see, you are the one who is protracting the conversation."

"As you ask me to be short about it," said Dr. Zeunemann, who had meanwhile collected himself, "I shall tell you straight from the shoulder, that your request cannot be granted. Even if Dr. Deruga

should be found guilty, we can not take away from him what is rightly his. But he has not yet been found guilty and until he is found guilty, he has no more killed your dead cousin—excuse my bluntness —than you or I."

"Dr. Zeunemann," the lady exclaimed, with a reproachful look in her gray-blue eyes. "Do those versed in the law lose all respect for natural and human rights?"

"You will get your rights, madame," the prosecuting attorney hastened to assure her. "I am convinced that, if our examination and work does not bring the truth to light, the trial will."

"And the stickpin?" asked the baroness. "I collect such things. Is the finest piece, which is rightly mine, to remain in the hands of such a person?"

"Hold your great-grandmother responsible for that, and not us," said Dr. Zeunemann laughingly, as he rose and again reached for his hat.

"You are a hard-hearted, impenetrable man, where the law is concerned," said the baroness, affecting a pout.

"But a soft-hearted, very impressionable man where the ladies are concerned," Dr. Zeunemann added placatingly.

As they were leaving, the baroness asked to be introduced to Peter Hase. "You are no stranger to me," she said sweetly, "for I know and admire your books. There is some consolation in this horrid trial, for I owe it this valuable introduction."

She invited him to call at her hotel, in case he should be in the city for any length of time, and as she saw her car waiting, she laughingly bade the other two men good-bye, saying, "I shall get that pin yet, my instinct tells me so."

The men walked together for a short way. "How charming and attractive is the total lack of logic in women," said Dr. Zeunemann. "At least for us men."

"And their cruelty," Mr. Hase added appreciatively.

"I think they're thoughtless rather than cruel," said Dr. Zeunemann. "About how old do you think the baroness is? She has a grown daughter, so she must be at least forty-two."

"Most likely older," Peter Hase replied. "She takes very good care of herself and dresses very cleverly."

"Yes, of course, of course," said Dr. Zeunemann. "No work, no worry, that keeps a woman young."

Mr. Winkler, the merchant, was also busy thinking of Baroness Truschkowitz, and he sought an op-

portunity to question Dr. Bernburger about her. "She has charm, tact, and grace," he said to him, "but a dangerous amount of temperament."

"That's what I'm there for, to control it," Dr. Bernburger replied.

"I have noticed," continued the merchant, "that she avoids looking at Deruga, although she pays the strictest attention otherwise. She always chooses a seat where he will be out of her line of vision. Have they had any encounters in the past?"

"She doesn't even know him," said Dr. Bernburger, "but she has always hated him."

"Just a blind prejudice?" Mr. Winkler asked.

"Well, yes," said Dr. Bernburger, "but that doesn't make him out any better."

The merchant laughed. "What does her husband say to it?" he asked.

"Oh, he offers her his arm in public and is at her side," Dr. Bernburger answered. "Otherwise he is a free spirit. Even his stupidity has something about it that makes one unconsciously doff one's hat to it."

"Stupid, with that woman for a wife!" exclaimed the merchant. "Well, my congratulations to the lady."

"You're mistaken there," replied the lawyer. "I don't know whether she respects him or whether she

has principles. Perhaps she is just a cold-blooded coquette."

The merchant shook himself. "That wouldn't suit me," he said. "I believe I'd rather have her deceive me."

V

DR. ZEUNEMANN convened court the next day with the announcement that the present testimony would confine itself to the last few years of Mrs. Swieter's life. He hoped, he said, that this approach would shed more light on the incidents which had not yet been fully explained. Up to the present, the trial had proceeded on the assumption that the defendant knew nothing of the contents of the will. The only person who knew the details of the will was the deceased woman's close friend, Miss Kunigunde Schwertfeger. He thought it possible that her testimony might change the picture considerably, if she would break the reserve which she had heretofore maintained.

It was apparent to every one that Miss Schwertfeger had had to force herself to enter the court room. She was plainly and unfashionably dressed, and made an inconspicuous appearance, which disclosed individuality and charm only when one observed her very closely. Then one found much individuality in

her wide, frank, gray eyes, in her short, little nose, in her small, half-open mouth, and in her expression, which lighted up her rather irregular features. Because she knew that she was as incapable of dissembling as a child, she armed herself to meet strangers with extra caution and silence. This method of defense, together with her timidity, gave her the expression of a little caged animal, accustomed to being teased and therefore armed in self-protection.

After Dr. Zeunemann had administered the oath, he asked her to tell all she knew, without reservation, which would throw light on the case. There were certain people, he added, who considered themselves honest, who in certain circumstances looked upon silence or a lie as permissible, even necessary. "Do you belong in that category?" he asked.

She hesitated a minute, and then said, as she looked at him with wide-open eyes, "Yes, I do."

Her small, work-worn, and rather homely hands were tightly clenched.

"That's a good prospect," said Dr. Zeunemann. "Is it your intention, if I may ask the question, to tell us the truth only in abridgment and revision?"

She shook her head and smiled merrily, a smile that rippled over her face. "No, no," she said sin-

cerely, "I intend to answer the questions that you put to me as honestly and fully as I can. There is no question here of the 'certain circumstances' which you mentioned."

"Excellent," said the judge. "I need not remind you of the serious consequences of perjury. But remember that we mortals with our limited vision would do well to consider every lie, regardless of circumstances, a lie in the most hateful and repellent sense of the word, and hold ourselves strictly to the truth. The results lie in the laps of the gods. Sophistries or false conclusions which would let us consider a lie obligatory can be dangerous will o' the wisps."

Miss Schwertfeger nodded earnestly.

"Will you tell the court and the jury in detail, what you know about the framing of Mrs. Swieter's will? As you were friends from early youth, she most likely discussed it with you before she drew it up,—perhaps to get your advice?"

"Oh, no," Miss Schwertfeger answered quickly, "she always used to say, 'What do you think of that, Gundel? Should I do that, Gundel?' But it was only a form of politeness or affection. In serious matters she never asked for advice and would not have taken it, had I offered it."

"So she never asked your advice?" asked Dr. Zeunemann. "But she told you what she wanted done after her death, did she not?"

"Yes, she did," Miss Schwertfeger replied.

"The deceased suffered from cancer for the last eight years of her life," Dr. Zeunemann said. "Did not that fact motivate her to tell you her last wishes long before she drew up her will?"

"She never discussed the matter with me," Miss Schwertfeger answered. "I don't think she discussed it with any one. The doctors always tried to keep her from knowing the true character of her malady, and she believed them; first, because she was very credulous, and second, because she wanted to be deceived in her illness. She wanted to live and hope for better days to come. That is why she always felt perfectly well again after an operation."

"Then why," asked Dr. Zeunemann, "did she finally think of drawing up a will?"

"Well," said Miss Schwertfeger, "because at that time she really was approaching the end, and she knew it. When she had a terrifying spell of sickness about a year ago, from which she never recovered, she was very much concerned and knew that she never

would regain her health. She did not say so in so many words, but I often felt that she knew it."

As she was urged to tell the occurrence in detail, Miss Schwertfeger told the following:

"One afternoon, when I was paying my customary call, she greeted me with the remark that I had come at the right time. She had just made up her mind to draw up her will, and I must help her, she said. If she should recover her health, there would be no damage done; but she must also consider the possibility of not recovering from this attack. Anyway, she thought it was careless of her not to have made a will before, since she was getting old. It would be too ridiculous for her relatives to inherit her money, since they were almost total strangers to her, she said, and were rich anyway. I assured her she still had a long time to live, that I could imagine her healthy and strong and active as she had been in years gone by. She did not answer me, but in her eyes I could read her thoughts, and she most likely could read mine."

"Was she nervous or upset?" Dr. Zeunemann asked.

"No," said Miss Schwertfeger, heroically swallowing the tears which her memory evoked, "not espe-

cially. Only, in the beginning her voice shook a little. Then I told her that I did not like to have anything to do with wills and such things, especially where she was concerned. But I told her she was right, and said she should have made her will long before. I asked what she intended to do with her money, if her relatives were not to have it. She was very much embarrassed and gave me a lengthy explanation and said that I surely would be very much surprised and would laugh at her and scold, but she wanted to name Dr. Deruga her heir."

"One minute, if you please," interrupted Dr. Zeunemann. "Your friend told you that her decision would surprise you. Had she ever spoken of other plans? Before you had this talk with her, if you had been asked what your friend's intentions were, would you have had any idea or opinion?"

"Yes, indeed, I had my own opinion," said Miss Schwertfeger. "I had always thought that she would endow a home for poor children in memory of her own child who died, and because she loved children so dearly. She always used to say that undernourished, unhappy children were a blot on society. She felt so strongly on the subject, that she considered every child whom she happened to hear crying,

abused and ill-treated. I often said to her, to comfort her, 'You know, that child is really a stubborn little brat.' But she never believed me. We had also discussed furniture and furnishings which would be nice for poor children."

"And did you remind her of those plans?" Dr. Zeunemann asked. "Or did she consider it unnecessary to explain her change of mind?"

"She said she always suspected that in charitable work, the money never went to those for whom it was intended."

Miss Schwertfeger stopped after she had explained this, and was obviously uncertain whether to add something to it or to go on with her story.

"And your friend had never taken steps to see if she could avoid this difficulty?" the judge encouraged her.

After a brief struggle with herself, the witness picked up the courage to say, "She had intended leaving her money to me, both to make my life a little easier—for my friend imagined that the life of a drawing teacher must be very irksome—and because she knew I would follow out her plans in work with poor children."

"Oh," said Dr. Zeunemann. "She had intended

leaving her money to you. But it is no small matter to change one's mind abruptly in such an instance. She told you why she had changed her mind, and made some excuse, did she not?"

Miss Schwertfeger looked at him in proud rebuff. "That was entirely unnecessary," she said, "we were friends. But she was worried about it, anyway, and she wanted to tell me fully why she had changed her mind. She had heard from someone that Dr. Deruga was having a hard time of it, and had come down in the world, and it was always on her mind. He was the father of her beloved child and had loved her, and she could not help feeling that whatever was hers was his, too. In short, she would not be able to die in peace, she said, if she did not protect him from want by the terms of her will. Naturally I did not even let her finish speaking, but I comforted her and assured her that the money would only have embarrassed me, because I would constantly be thinking that I must spend it on something and I would not know on what, and that I should not like to arrange my life differently because I was used to my way of living and perfectly happy. I told her that the money would only remind me of her death and therefore I should hate it."

"But it is peculiar," the judge said, "that your friend did not at least leave you a legacy, as she did her maid."

"It was at my request that she did not," Miss Schwertfeger answered shortly.

"May I have the floor?" the prosecuting attorney asked suddenly. "According to the testimony of the witness, I had the impression that the conversation concerning the will took place immediately after her friend's last severe spell of illness, therefore in March or April. But this will is dated September 19, fourteen days before the death of the sick woman."

Miss Schwertfeger made no reply, but threw a long, hostile glance at the prisoner, as if he were an intrusive meddler, and then looked again at the judge.

"Will you set us right on the matter, Miss Schwertfeger?" he asked kindly.

"My friend made the first draft of the will in spring," she said. "On the nineteenth of September she rewrote it."

"And made no changes?" asked the judge.

"My friend increased the amount she was leaving to Ursula, her maid."

"I suppose," suggested Dr. Zeunemann, "the maid

took such good care of her during her illness that she wanted to show her appreciation."

Miss Schwertfeger nodded and looked at the judge thankfully. "To make this provision for Ursula," she added, "I asked her to cancel the legacy which she had left me in the first draft of the will."

"If we keep on like this, we shall unwittingly fashion an entirely new will from the unchanged original," remarked the prosecuting attorney with a diabolical chuckle.

"Then at first you had no objection to a legacy," said the judge. "Why did you ask her to omit this bequest? Nothing had happened between you and your friend, had it?"

"Oh, no, no," Miss Schwertfeger protested. "I only agreed in the first instance, in order not to excite her; but I had made up my mind from the very beginning not to accept the legacy, because it did not suit me." When she heard the sceptical, scornful laughter of the prosecuting attorney, she threw her head back with a little defiant gesture, and pressed her lips together.

After a short interval the judge resumed the hearing, and asked, "Did the deceased often revert to the will in conversation; that is, after the first draft?"

"No," said Miss Schwertfeger decisively. "It was not a very pleasant subject for conversation."

The prosecuting attorney laughed audibly, as if he wanted to say that it was no pleasant subject for her now. She cast a contemptuous look in the general direction of his chair.

"Did Mrs. Swieter ever tell you or infer," the judge asked in friendly persistence, "that she had a special reason for drafting her will in favor of the defendant? She mentioned the fact, as you related, that things were going badly with him and that he had come down in the world. How did she hear about it? Had his creditors perhaps approached her? Or did he himself ask her for money?"

"I don't know," Miss Schwertfeger answered. "But I don't think so. She certainly would have told me about it. If that had been the case, she could have explained her will to me much more easily. She had known for a long time that Dr. Deruga was having a hard time of it; there are innumerable ways for rumors of that sort to get about."

"Did your friend occasionally speak of the defendant?" asked Dr. Zeunemann.

"No, scarcely ever. She thought I had no sympathy for him."

"Therefore," interrupted the prosecuting attorney, "there might have been a relationship between your friend and her divorced husband of which you were ignorant?"

Miss Schwertfeger threw her head back and curled her lip in scorn.

"Naturally nothing derogatory shall be said about your friend," the judge interposed. "Nevertheless, she might have kept something from you, to save an argument."

"That is possible," said Miss Schwertfeger, "but not very probable. At any rate, there is no ground for such an assumption. She left him her fortune simply because he was the father of her child and because she thought he had loved her. I remember hearing her say once, long ago, that a marriage could not be dissolved if there were any children; and when some one present disagreed with her, she said that perhaps the statement would not hold true in all cases, but it did in hers. My friend found it difficult to live alone, for she had an affectionate nature. Perhaps she developed this theory in order to feel bound in spirit at least."

"If I am not imposing on you," said the judge with charming courtesy, "I should like to ask you to

explain how it happens that you and Mrs. Swieter, since you were such intimate friends, differed so radically in your opinions of the defendant."

Miss Schwertfeger laughed. "A third person seldom understands why two people love each other. Furthermore, one may forgive a man for an injustice done to oneself; friends of the sufferer, however, are the last to forgive him."

"Then you believe that the defendant was the guilty party in the separation?" the judge asked.

"He tortured her with his moody, unregulated mode of living," Miss Schwertfeger answered, with some reserve.

"Yet in spite of the fact," said the judge, "Mrs. Swieter seemed to be attached to her divorced husband. Can you, perhaps, as her friend, help us to understand this contradiction?"

Miss Schwertfeger thought for a time, and then said: "There are contradictions in every human being and especially in the relationship which exists between two people. While my friend was still married she once gave her husband a book as a birthday present; and when he asked her to write something on the flyleaf, she wrote:

'Deruga, though you're charming
There's something queer about you.
Life with you is alarming,
But so is life without you.'

It is an epigram which Lessing wrote to a certain Clothilde."

The spectators laughed, but Dr. Zeunemann remained very serious. "I should like to ask you one more question," he said. "Mrs. Swieter is said to have been extraordinarily timid. Fear of her husband's hasty temper is supposed to have induced her to divorce him. Do you believe that she still feared him after the divorce?"

"Oh, no, she was not afraid of Deruga," Miss Schwertfeger said, with utter conviction. "A few years ago she read in the papers that a man had spied upon his divorced wife and had stabbed her. In connection with this, she said it was a rather common occurrence, and that women who had separated from their husbands or who were intending to leave them, really should have some sort of protection. I told her not to read the stupid newspapers, since half of the things printed were lies. She laughed at me and said that I most likely thought she was afraid of

Deruga. Then she explained to me that he lost his temper over the little annoyances of married life and also had a thirst for vengeance, but that his rages never lasted long, and she was quite certain he bore her no ill-will. But in general she certainly was extremely timid and preferred, for instance, to live on the third floor, because she thought she would be safer from burglars there. She was also very much afraid of death; but then again she longed for it, because she thought death meant reunion with her child."

"I understand, then," continued the judge, "she did not fear death, but dying, which she pictured as painful."

"Yes," Miss Schwertfeger agreed. "She was very much afraid of pain, and yet she had to suffer terribly."

The prosecuting attorney asked if the sick woman ever was delirious or unconscious, when she was ill.

"Oh, no," said the witness with a smile, her eye directed at Dr. Zeunemann, "she even complained at times that her head remained clear even when she was suffering greatly. Once she asked me if I loved her enough to give her poison to relieve her of her pain. I was startled and I told her that I loved her

far too much—that I could not even think of it, much less do it. Then I reminded her of how she might enjoy life again, when she was better. I told her that she might even regain her health completely and I knew she then would forget the pain she had suffered. Then she laughed and comforted me and said that I was quite right, and she hoped the time would soon come when she might brag about how brave she had been in her illness. There was never a moment in which she did not know what she was doing."

"There is only one more question, which you seem to have answered in your testimony, but which I should like to put separately and explicitly. Did Mrs. Swieter acquaint her divorced husband with the contents of her will?"

"I don't know," said Miss Schwertfeger. "I think not. Why should she have done that?"

"We shall venture no opinion for the present," the judge replied. "Let us put the matter this way: To acquaint him with the contents of the will, she would have had to write to him. As she was confined to her bed at that time, she would have had to ask some one to post the letter. She did not ask you to post a letter?"

"No," said Miss Schwertfeger.

"Did she never ask you to post letters for her?"

"Perhaps. I do not remember. But she gave me none addressed to Dr. Deruga."

"Might she not have addressed it to some one else, in order to put you off the track?"

"Oh, no," said Miss Schwertfeger, frowning. "She would have had to arrange the matter with him first. Such underhand dealings she would never have chosen, I'll vouch for that."

"I believe you, Miss Schwertfeger," the judge said, after a short pause. "I rely on your sense of honor. You are a teacher, our boys and girls are entrusted to you, you are loved and respected by your pupils as well as by their parents, and you would not lose their love and respect for a whim. You did not acquaint the defendant with the contents of the will at your friend's request, nor did you post a letter which contained or might have contained this information?"

"No," Miss Schwertfeger replied.

"You are convinced that the defendant knew nothing of the will?"

"I am convinced that he knew nothing of it."

Dr. Zeunemann pondered a moment and said that he wished to bring the hearing to a close, since the

witness seemed to be very tired. As a matter of fact, she was so pale that her large eyes looked almost black.

"Yes, I am very tired," she replied. "May I go now?"

Dr. Zeunemann explained that she was excused with the rest for the noon recess, but that he must ask her to be present during the remainder of the trial. She nodded her head shortly.

"A gallant old girl," said Mr. Fein to Deruga, "even if she hasn't the highest opinion of you."

"She's a good, stupid goose," was the short reply. He had sat there with his head propped in his hand and his face concealed. Now he arose, as if coming out of a dream. His piercing glance traveled over the court room and stopped by chance at Baroness Truschkowitz, who was signalling her lawyer a few benches away, and he said, "Impossible person! She is enjoying the dirty business which she started."

"Well, you see," the lawyer answered, "it's quite human for the baroness to hate losing a fortune which she has counted on; and she can be excused for believing everything bad about you, because she doesn't know you."

"Do you consider that an excuse!" exclaimed Der-

uga sharply. "Because she herself is greedy, she can't believe that any one else is motivated by any other reason; that's her knowledge of the human heart. Disgusting!"

The woman they were discussing had arrived at the outer staircase and impatiently looked about her through her lorgnette. "I am very much annoyed," she said to Dr. Bernburger, "at the circumspect way in which they handle this young woman. She may be a nice girl, for all I know, but it is perfectly plain that she is not telling the truth, and I do not understand why they tolerate such proceedings."

"That's a difficult matter, madame," said Dr. Bernburger. "Instruments of torture were done away with long ago."

"That was rash of the ancients," said the baroness, "for they were in many respects wiser than we are, and they should have known their value. But we certainly must have some way of forcing people to tell the truth. I should follow an entirely different procedure, if I were the presiding judge. But you seem distrait, doctor."

"On the contrary," said Dr. Bernburger, "I am deeply immersed in our problem."

"And did you notice," the baroness continued,

"that she admitted the very thing which she was trying to conceal, namely, that my cousin was afraid of her divorced husband? And how interesting, that men have a tendency to murder their divorced wives! A woman should ponder the matter, before she takes the final step!"

"I hope, my dear," said the baron, who was standing next to her, with the utmost good nature, "that is not the only reason which keeps you from divorcing me."

She smiled at him, a bit scornfully, and said, "No, Precious, you are much to gallant to inspire me with fear."

At the same time she motioned for the waiting chauffeur to drive up, and left her attorney with a hasty adieu.

As they left the court room the prosecuting attorney attached himself to Dr. Zeunemann and accompanied him with reproachful speeches to his private office. It was clear, clear as day, he said, that this paragon—he meant Miss Schwertfeger—had posted the letter. The paragon had had little practice in lying. He wanted to be fair and just, but she certainly did lie. Something must be done about it! Or should another wretch escape his just punishment

because women were partial to him? Women were partial to this man, and nowadays a man depended on women's judgment in everyday life as well as in the drawing room. If it did not shriek to high heaven, to have even justice dependent on women's whims!

While he was delivering these speeches the prosecuting attorney wrung his hands, then passed them through his long, thin hair, which was standing out wildly in all directions.

"Calm yourself, my friend," said Dr. Zeunemann disapprovingly. "Your conception of women's partiality does not fit in Miss Schwertfeger's case, for she obviously has an aversion towards him."

"Words!" cried the prosecuting attorney in despair. "Words, mere words! In deed she befriends him. She most likely wrote to him herself. It's as clear as day, isn't it?" he turned to the associate judges, who were sitting near by.

They admitted that Miss Schwertfeger's behavior had struck them as odd; but they thought it could be explained differently. For example, women were always timid about speaking in public.

"O good God!" moaned the prosecuting attorney. "What's the world coming to, when such a shabby old paragon can throw sand in the eyes of tried jurists!"

"My dear colleague," said Dr. Zeunemann, looking at the clock, "you need your lunch as much as we need ours, and a little rest. Why don't you take a nap for a quarter of an hour? And in the future I shall expect you to ask the questions which you think necessary in open court."

"But what good does it do to ask questions, if one gets lies in return?" the prosecuting attorney said bitterly. "I know now what I wanted to know, namely, that what I said in the very beginning holds true: It was not manslaughter, but murder in the first degree, premeditated murder. When he found out that she was leaving him her money, he decided to kill her before she could change her mind and draw up a new will!"

"Shall I return your insinuations," said Dr. Zeunemann, "and venture to surmise that you are viewing the case through spectacles put on your nose by Baroness Truschkowitz? If you compare her charms with those of Miss Schwertfeger, your suspicions are almost justified."

The prosecuting attorney, flattered by the judge's banter, could not help laughing. He added grumblingly that all lawsuits in which women were involved degenerated into idle talk. They must bear witness,

however, that from the very beginning he had been firmly convinced it was a case of murder in the first degree.

Yes, Dr. Zeunemann said, and he would cheerfully bear witness, too, that the prosecuting attorney seemed to be in love with his first convictions, just as a mother with her child, until the second came and supplanted the first.

VI

URSULA ZUEGER, thirty-eight years old, in the employ of the deceased, Mrs. Swieter, for nineteen years," began the judge.

Ursula Zueger looked around with an embarrassed laugh. Her expression seemed to say, "You're all steamed up in eagerness for those facts in the case which only I can give you; just fall on your prey and satisfy yourselves, for I think that it will please your appetites."

"Since you lived so long with Mrs. Swieter, you must have been conversant with all her affairs."

"I should rather think so," said Ursula. "I knew everything that concerned my mistress from the beginning to the end, that's all there is to it."

"Did the deceased ever talk to you about the past, I mean about her life with the defendant?"

"Whew!" Ursula piped shrilly, meaning to indicate that this had been the case innumerable times. "Especially when she lay in her bed, so very sick, poor darling. When I used to sit next to her in the

evening, it was always, 'Do you remember this and that, Ursy? Do you remember that affair with the beggar?' You see, at first, before our doctor had any patients, every last beggar in town came to the house, and once the doctor himself went to the door and said, 'My good friend, you want me to give you something? Well, what did you earn to-day? Come, come, tell the truth. At least a quarter, at least! You walk with a crutch and have only one eye—good, we'll say a quarter. I have not earned a cent. In four weeks I have not earned three dollars! But if you want a cigarette and if you will favor me with your company'—and he really did roll a cigarette once for one of the beggars, who looked as if he had just come out of a coal bin, but otherwise he was a sly, merry fellow. He came back every other day or so, and said, as soon as I opened the door, that he didn't want anything, but wanted to favor the doctor with his company."

"And so," said the judge, "you recalled happy memories to cheer up the invalid."

"Naturally," Ursula replied. "She had enough pain and worry."

"If Mrs. Swieter bore no ill-will towards the doctor," continued the judge, "but even liked to talk

about him, she corresponded with him occasionally, didn't she?"

"I thought you'd begin that again," said Ursula triumphantly. "There's nothing to it. How could she have corresponded with her divorced husband? Then they might just as well have lived together."

"There is a difference, however," the judge explained. "Sometimes people get along very well together, at a distance; while they are always at loggerheads if they have to live under the same roof."

"My mistress was much too fine a lady for anything like that," said Ursula firmly. "There never was any talk of 'being at loggerheads' nor of underhand insults after they had once parted. When I used to say in the early years that the doctor really wasn't such a bad fellow at heart, and that it was a pity he got on the wrong path, because when he was there, there was always something going on, my mistress would shake her head and say, 'Even if we were reconciled to-day, we would part again before the year was out.' And she was right. There's no peace in the house with such a man."

"Then you are of the opinion," asked the judge, "that Mrs. Swieter neither wrote to the defendant nor received letters from him?"

"Of the opinion!" Ursula repeated, her eyes flashing. "Don't even mention opinions, your Honor; I know it for a fact. That's why I am not presuming too much when I say that God in heaven could not know better. First of all, I know the doctor's handwriting, and then she fell sick over a year ago and she didn't receive one letter that did not pass through my hands, and she didn't write any letters any more either, except those which she dictated to me or to Miss Schwertfeger. We posted her letters, too."

"But, my dear young lady," said Dr. Zeunemann, "your mistress was not lame! If she really wanted to, she could have got up and fetched writing materials without letting you know, and she might have asked her physician, Dr. Kirchner, to post the letter."

"Yes, that may seem possible to you, your Honor," Ursula answered thoughtfully, "because you don't know better. But that my mistress wrote letters behind my back and mailed them, is out of the question. If you knew the circumstances, such an idea would never enter your head. No, even though she wasn't lame, and she certainly wasn't, she wouldn't have gone through such ceremonies with me, when there was never any occasion for her to act like that. For she would merely have had to say to me, 'Ursula, no one

is to know anything about this letter, and you are not to know of it either.' And to give Dr. Kirchner a letter to post is really laughable, if you know him. She would never have known whether he kept the letter in his pocket for six months or whether he lost it on the stairs on his way out. And why should she have entrusted her secrets to strangers, when she had Miss Schwertfeger and me to rely on? So just put your idea of secret letters out of mind, your Honor! I know everything that happened in our house; nothing could happen that I didn't know."

"You must occasionally have had errands to run, my dear young lady," said the judge, who was not yet convinced. "Do you know what went on in the house in your absence?"

"If you think that you can catch me napping, as they say, your Honor," answered Ursula unruffled, "then you have another guess coming, if you'll excuse the expression. There was no danger of having anything happen while I was away, because I always locked the door after me. My mistress herself ordered me to lock it and she said, 'You know, Ursula, because the doctor told me not to get out of bed, it would be the simplest arrangement if you would lock the door after you, so that I may be positive

no one can enter. If any one should come, he can go away and come back later. We're not likely to have a fire while you're gone.' Well, as for that, I never was afraid of fire, because where could it start, when I left the house only early in the morning or in the afternoon, when no fires were left burning in the apartment? Miss Schwertfeger had a key of her own, so that she could come in at any time. So, your Honor, you must realize that nothing could happen in my absence."

"But it was in your absence that your mistress was murdered," the prosecuting attorney's harsh voice interrupted.

Ursula was silent; but she seemed to be startled at the insolence of mentioning the deed, rather than upset because her infallible knowledge was questioned. "We haven't come to that yet," she said finally, arousing herself. "I don't believe she was murdered, anyway, because it was impossible for anything to happen while I was away."

"Unless Mrs. Swieter wished it," interposed the judge.

"But you surely don't believe, your Honor," said Ursula, turning her thoughts back to their earlier channel, "that a dying woman got up out of bed and

ran down three flights of stairs to the street to send our doctor a letter, which I would have posted only too gladly any time she wanted me to?"

Dr. Zeunemann sighed. "You never left town," he began again afresh, "after Mrs. Swieter fell ill last year and was confined to her bed?"

"No," Ursula replied, "although she often urged me to and although I knew Miss Schwertfeger would gladly stay in our house while I was gone, and that she could have hired a nurse. But she would not have known the conditions as well as I did, and although I was sorry not to have seen my mother for such a long time, I said to myself, 'This woman hasn't left you for nineteen years, so don't you leave her now.' I should not have been at peace with myself at home either, and I believe I should have found no rest in the grave if I had left my poor, sick lamb alone."

Ursula's loud voice grew unsteady and she passed her handkerchief over her face.

The judge waited for a short while and then asked her to relate the events of Mrs. Swieter's last day, from the beginning to the end, to the best of her recollection.

"It was just the day on which I expected every-

thing to go well," Ursula began. "She had been very bad during the night; I heard her groaning, and I must have got up five times to ask if I should call the doctor, but she said, 'No, he doesn't help me at all,' and she sent me away too, because I only made it harder for her. Because when I was there, she said, she had to control herself.

"Toward morning I really fell asleep, for I heard the clock strike four, but I didn't hear it strike five, and at seven the chimney sweep woke me when he rang the bell. I was furious at him for ringing so loudly, and I ran to the door and told him that was no way to do—to come so unexpectedly. He should have let me know the day before. So I didn't let him clean the chimney. I couldn't stand the shameless fellow, anyway. I thought my mistress had perhaps just fallen asleep, too, and had been awakened again; and then she rang for me and asked me who was there. I told her it was the chimney sweep and that I had scolded him and sent him away, and she laughed and said it didn't matter, she would fall asleep again, since she was feeling better. She looked as if she had a fever, to tell the truth, but she was quite calm. When I looked in again at ten o'clock, she was lying there very quietly, with her hair strewn

half over her face. I went out softly and hurried as fast as I could, and when I came back, I looked in again softly, and there she was with her eyes wide open. She smiled at me so peacefully, and said, 'Is that you, Ursy? I'm feeling quite well, I haven't any pain at all.' She really looked fine, too, even though she had deep, dark circles under her eyes, and as I was looking at her, she seemed strange to me and I said, 'Madame, you look as if you had a secret.' In my heart I didn't realize that the secret was death, or of course I would not have said that."

"What did she answer?" the judge asked.

"She smiled even more happily than before and said, 'The secret is that our little Mingo paid me a visit.' Mingo was the name of our little girl who died, and we had named her Mingo after her mother."

"She had dreamed of her little girl who was dead?" said the judge. "Did she tell you the details of the dream?"

"Of course," said Ursula. "Whenever she dreamed of our Mingo she spoke about it all day long. She dreamt that the little one came in an open carriage, harnessed to two handsome black horses. She was sitting with her back to the horses, the way she used to sit with her parents when they went driving. She

sat very straight and very proud and gestured with her little hand, urging them to come sit with her, when suddenly the carriage disappeared, and in its place was a merry-go-round or a sort of see-saw, which flew higher and higher, as wonderful music was being played. It seemed to my mistress that the see-saw was not attached to anything, and she was afraid, but our Mingo said, 'Just hold on to me!' She laughed because the tiny creature wanted to protect her mother, and then she woke up.

"Now and then while I was cooking, I went in to see her and we chatted about our Mingo, and then I brought in her lunch and sat down next to her and urged her to make a good meal of it, because she used to nibble at her food. 'O Ursy, let me be, I'm not hungry to-day,' she said, 'I'm sure our beggar is coming, and he'll be glad there's so much left for him.' It was Thursday, you know, and on Thursdays an old man used to come around, who said that there wasn't another such a good cook on our whole street as I was, and so we used to have a lot of fun with him. As she was saying this, the doorbell rang, but it was not our beggar, but a different fellow, who looked like one of those Slovaks who go about, selling mousetraps. I had scarcely opened the door, when

my mistress rang her bell so loudly that it fairly broke my ear drums; and when I ran to her, she asked if it was Dr. Kirchner. 'No, indeed,' I said, 'the doctor never comes at this hour; it's a beggar.' 'That's good,' she said, 'I just wanted to tell you I don't want to see the doctor to-day. I'm too tired to be bothered. You can tell him that I had a bad night and am still sleeping."

"Didn't that strike you as peculiar?" asked the judge.

"No," Ursula answered in astonishment, "there's nothing peculiar about it. I often had to send the doctor away with some excuse or other; for instance, whenever I happened to be reading her something exciting."

"Did you read to her on that day?" the judge asked.

Ursula shook her head sorrowfully. "I never read to her again," she said. "After I had cleaned up the kitchen the way I used to every day, I asked her if I should read her something, or if she would like to have Miss Schwertfeger come to see her. 'No,' she said, 'Gundel will surely come of her own accord, if she can spare the time, and I think I can go to sleep again. Go to the bank and pay the rent, since you

didn't get around to it yesterday'—it was the second of October, you know—'and on the way back you can get me a bottle of Greek wine. I have a craving for wine, and the doctor said I might have it.' Then she bade him tell the janitor to start the furnace in the afternoon, so that I would not have to sit in a cold room, because my room was on the cold side of the house. He really should have given us heat on the first of the month, but the fellow was so lazy that it was an effort to make him rake up the dead leaves in the front yard. And it didn't exactly suit him to go down cellar and start the furnace. When you reproached him, he always had some excuse or other as to why he hadn't got around to doing things. He would rather be a stoker in hell than a janitor with three houses and eighteen apartments, he said, where the tenants all wanted different degrees of heat. That was one of his favorite remarks. So I told my mistress I would rather freeze than ask anything of that grub of a janitor. She laughed at me and said I should just make a great fuss about how cold I was and how angry I was with him. And those were the last words I heard from her lips."

"When you returned," said the judge, "she was

dead. You had locked the house door and you found it locked on your return?"

"The door was not locked, and that was because shortly before I came, Miss Schwertfeger had been there and she usually forgot to lock it."

Miss Schwertfeger was asked if she had found the door locked, and she explained that she had paid no attention to the matter. She had been on her way to night school and had been in a hurry, she testified, and had merely wanted to see how her friend was getting along. As the apartment was quiet as a mouse, she had taken it for granted that Mrs. Swieter was asleep, had peeped into the bedroom, and had then left. The door leading from the living room into the bedroom was, as usual, wide open. She had not closed this door when she left, because she had never done so before. It was about five minutes of six o'clock.

"What time was it when you came home?" the judge turned to Ursula again.

"As I turned the corner into our street," Ursula said, "I heard the clock in the church tower strike six, and it's not more than a five-minute walk from there to our house, especially as I walked fast. I was late because I had to wait at the bank and had gone for the wine. First I went into the kitchen and left

my packages—I had bought a few things for the house—and my coat. Then I quietly went into the bedroom. I took it for granted that my mistress was asleep, because she always called out to me as soon as I opened the door. 'Is that you, Ursy?' she used to call in her gentle voice. She had a voice as pure and innocent as a child's. Through the open door I could see her lying there very still, her head turned away, and her arms outside of the quilt. I turned around immediately, happy that she was sleeping so well. But when I crossed the living room, it occurred to me that she never used to lie in that position when she was asleep, never flat on her back, but a little on one side, with one hand tucked under her cheek. When it suddenly occurred to me, such a feeling came over me that my knees shook, and I had to screw up courage to go back to her room. And as I gently, gently stroked the hair from her face, I saw that she was dead, for no living person can lie so quiet."

"Did she always wear her hair down?" inquired Dr. Zeunemann.

"Oh, no," Ursula answered, with a brief, contemptuous smile. "Every morning I dressed her hair very nicely and becomingly. She was particular about it. But during the last night it had become undone be-

cause she was so restless; and since she was so tired, I didn't want to bother her."

"We know from Dr. Kirchner, that the maid called him immediately," the judge explained. "Death had occurred from one to two hours before, and, as the doctor supposed, from heart failure. The invalid's heart had been weak during the entire period of her illness. For this reason no suspicion of violence was attached to her death at the time.

"Will you tell us again, Miss Zueger, what individuals had been in the apartment during the course of the day?"

"No one at all was in our apartment," said Ursula with emphatic disapproval. "First of all, early in the morning, the chimney sweep rang the bell, and I sent him away. He came again, the impertinent fellow, and I told him then that in a well-run establishment chimneys weren't swept at ten in the morning, and that he'd better make a note of it. Then the postman came; he generally just threw the letters in the hall, but this time he rang the bell because he had a letter with insufficient postage on it."

"What sort of letter was it?" the judge asked quickly.

"The letter was for me," answered Ursula, snip-

pily triumphant, "from a friend who had taken service in France."

"And then?" asked Dr. Zeunemann.

"Then the vegetable woman rang the bell, but I didn't buy anything because her spinach had been bitter the last time I bought from her; and at noon the Slovak came. No one else came, and in our apartment no one at all."

The prosecuting attorney asked for the floor.

"I should like to remark that the apartment was not so well fortified as the good woman pictures it. She herself has told you that as she opened the door for the so-called Slovak, she was called away by Mrs. Swieter's bell. He might have made use of the opportunity and slipped into the apartment."

Ursula turned completely around to face her lean opponent, put her hands on her hips, and looked him up and down with flashing eyes.

"And could he then?" she asked derisively. "Yes, if I hadn't slammed the door in his face before I ran in to my mistress, and it was closed when I came back. You see, I had given him a bowl of soup and I wanted to fetch the empty bowl, but he hadn't touched it. A bowl of soup isn't what these vagabonds

want. Furthermore, he was quite a harmless person, and he wasn't as ragged and dirty as a real tramp."

"Are you sure," the judge asked, "that you would recognize the defendant in any disguise?"

It took Ursula some time to grasp the significance of this question.

"Our doctor?" she asked finally, her eyes widening in amazement. "Do you mean, was Dr. Deruga the Slovak? Well, you know, your Honor, you might just as well ask me if you were our doctor! Our doctor, indeed! And, anyway, he would have winked at me and said, 'Ursula, my stupid girl, don't you know me?' Well, your Honor, you may think what you like, because you don't know the circumstances!"

Dr. Zeunemann cut the quickening flow of words short with a perplexed gesture, and sighed. "Let us confine ourselves to the matter in hand," he said. "You consider it impossible for any one to have forced his way into the apartment?"

"Absolutely; simply impossible," Ursula answered.

"Unless Mrs. Swieter herself wished it," said Dr. Zeunemann.

"She was just apt to open the door for robbers and murderers," said Ursula, with scornful disdain.

"Not for obvious robbers and murderers," broke in the prosecuting attorney, "but perhaps for her former husband, in whom she still took a great interest, I am sorry to say, as her will shows."

"And after seventeen years, she would be able to tell," said Ursula, almost screaming, "by his ring, that it was he."

"If she expected him, my good woman, it was not necessary," the prosecuting attorney replied, with the cutting tone of a malicious devil.

Dr. Zeunemann made a warning gesture to Ursula, who looked as if she wanted to jump at her opponent's throat. "I believe," he said, raising his voice, "that we're going around in a circle. The prosecuting attorney presupposes that there was some sort of understanding between the divorced couple. This has not been proved. On the contrary, it seems to be an improbable supposition. Since the witness has nothing further to add, we shall proceed to the testimony of the janitor, if my colleagues and the gentlemen of the jury agree to the proposition."

With her head held high and a scornful smile intended for the janitor, Ursula stepped down and took her seat next to Miss Schwertfeger.

The janitor did not in the least resemble a grub,

for he had a red face, somewhat blue around the nose. He lounged up to the stand with the comfortable carriage of a man who loves life too much ever to hurry, looked about leisurely, and finally reached the long green table where he was to stand. The judge administered the oath and bade him answer all questions put to him not only honestly, but also unequivocally and without prolixity.

"Why not?" said the janitor. "There's nothing to it."

"Where are you generally during the day?" was the first question.

"Well," the janitor answered, laughingly, "I can't answer that right off the bat. That's according to what I have to do. But if I say that I am either in one of the three houses, fixing something or other, or talking to a tenant about this or that, or if I say that I am down in the cellar, firing the furnace, or in the garden walking up and down, that will be about right. I am seldom to be found in my own apartment, nor have I anything to do there, for I am not so much interested in my family as I am in my job."

"Are the street doors locked during the day?" the judge asked.

"God forbid!" the janitor replied. "Anybody can

go in and out. Nothing out of the way ever happens in our houses, anyway, and each apartment has its own entrance. No, we never thought of locking the outside doors. At six o'clock in the morning I unlock all the house doors, or rather, my wife does, and at nine o'clock at night I lock them. And that system has always been satisfactory."

"But the cellar doors are locked, aren't they?" asked Dr. Zeunemann.

"Well, you see, your Honor," answered the janitor, "I can't answer that right off the bat either. At night they're supposed to be locked, but it would be impossible to keep them locked during the day because I have to tend to the furnace and because the maids come down to get coal and potatoes and things like that. It would mean a continual locking and unlocking. As it is, it's bad enough. All day long I hear, 'O janitor, will you help me carry this up?' or 'Just a minute of your time, janitor, if you please!' I'm supposed to be in a hundred different places at the same time. No, on the whole, I think it's best to leave the cellar doors open; and no one has ever complained about it before."

"But you yourself are said to have caught a man who sneaked into the cellar," countered the judge.

"That's right, I did," said the janitor reminiscently. "I suppose Ursula told you that?" he asked, after a short pause. "Well, no one could have been afraid of him. His face was as green as though he'd been eating green apples all night long. He was just a fellow with no home to go to. Or one of the maids might have hid him—the girls all have lovers, even though they act so prudish."

Dr. Zeunemann grew serious and asked severely, "Do you recollect who went in and out of the house on the second of October last year?"

"O dear God!" sighed the janitor. "How should I remember who goes in and out of the house? Just imagine, your Honor, three houses with eighteen tenants, not including myself. In one there are four tenants; in the two others, seven each. And you know how it is around the beginning of October, when one party is moving out and another moving in, and plasterers and painters and paperhangers!"

"That is precisely why you probably remember," the judge persisted. "And the sudden death of Mrs. Swieter, who lived in the house which was set back farthest from the street, set the day apart from other days. When suspicion arose as to the cause of her death, you must have thought about the persons

whom you saw entering and leaving the house on that day."

"I will do my best to please you, your Honor," the janitor said. "The chimney sweep who came early in the morning you most likely won't be interested in, nor in the postman. The workmen weren't busy in Mrs. Swieter's house, because no one was moving in or out of that particular house. There were several beggars, and as far as beggars are concerned, that was Mrs. Swieter's own fault. The other tenants complained that she encouraged beggars because she always gave them something. But she always paid me handsomely for any little thing I did for her; she didn't belong to the class of people who think that folks like me are there to do all sorts of favors for nothing. So she could do as she liked about the beggars. There they are and we have to do something about them in Christian charity."

"Think carefully," said the judge. "Did you see a beggar, some time between four and six o'clock in the afternoon, whom you did not know by sight and who attracted your attention?"

"Between four and six o'clock?" the janitor repeated thoughtfully. "I had just sent my son to the saloon around the corner for a quart of beer and I

waited for him at the gate. Then I put the pail on the steps, to take a sip now and again. Meanwhile the lawyer's wife on the ground floor of the second house came out and scolded me for all she was worth because I hadn't turned on the heat, and I said, 'But, madame, with the weather so pleasant? We haven't had such pleasant weather all summer long, and that little wind won't hurt you, it's from the south!' and so on, until she finally agreed, and went away. Oh, yes, then a fellow came along with a hat or a coat or something like that in a box, most likely for the boarding house. There was a woman living there who always followed the latest styles. Then a fellow came along, dressed very gaily. He didn't see me at all at first and was going right past me as though I were a lamp-post, and I purposely didn't get out of his way because I wanted to see if he'd run into me. But he suddenly stopped directly in front of me and said, 'Have you a light, your Honor?' and offered me a cigarette. I laughed and pulled out a box of matches, gave him a light, and he nodded his thanks and touched his cap. But he was no beggar; he had all sorts of things for sale, spoons and wooden kitchen stuff, that he carried on a rope. As soon as he had gone out of the gate, he threw the cigarette in the

bushes. I don't know whether it wouldn't draw or whether it didn't taste good to him. I wanted to pick it up at first, but then I thought, Oh, let it lie, it can't be a good one, anyway."

"Can you give us an accurate, reliable description of the man?" the judge asked.

"No, your Honor," said the janitor, shaking his head with a smile, implying that he was too clever to fall into the trap. "As much as I should like to oblige you, I don't want to have anything to do with descriptions. I believe he had rather long, black hair, and he came ambling up with his head in the clouds, so to say. If you should confront me with him, I most likely would recognize him. But I really couldn't tell you if he wore a gray or a green or a brown coat, or what kind of shoes he had on, or if he had holes in his socks or not."

"Did you never wonder about what sort of a man he was?" the judge asked.

"Well, I could see that he was selling spoons, your Honor," said the janitor. "There was nothing to wonder about in that. It would take up too much of my time, if I was to wonder about every one who comes to our houses. Just think of the people who go in and out during the day! For instance, there's Mr. Ruebsa-

men on the second floor of the third house, a composer, a terribly nervous man, and if I didn't have so much patience with him, he'd have moved out long ago. If you could only see the kind of people who come to see him, nothing would surprise you. Men and women come to sing or play something for him, a regular band of gypsies, and after them artists and genteel people. On the day we're talking about, the piano-tuner came to his apartment, but he sent him away because he had heard from Ursula that her mistress had had a bad night and was trying to sleep. He's a good-natured man, Mr. Ruebsamen. But the piano-tuner was not the man with the cigarette. He has a red face and blond hair. I know him. He comes to Mr. Ruebsamen's every three months."

"You say the man came out of the third house?" the judge asked.

"He might have come out of the second house, where the boarding house is run," said the janitor. "I didn't see him until he came out front where I was standing."

"I beg leave to ask the janitor if the defendant resembles the man with the cigarette," said the prosecuting attorney, pointing to Deruga in an imperative manner.

"Will you look at the defendant for a possible resemblance," the judge ordered.

The janitor turned around slowly and looked carefully at Deruga, who seemed to enjoy the inspection.

"It's too much for me, your Honor," he said finally. "I could swear that I have never seen this gentleman before."

"Imagine how he would look in a black wig and a false beard," said the judge.

"That's out," the janitor cried, with unusual decision. "If I should begin to imagine how people would look, I would get to the point of not knowing one from the other, and in the end I'd think that appearances were as I had imagined them, and without knowing it, I'd be guilty of perjury. For you see, your Honor, if you stop to think about what a person looked like, and compare him with this one and that, in the end you believe anything is possible, and yet it was only pure imagination all the time."

"Then you cannot recall the exact appearance of the man who asked you for a light," said the judge. "Do you recall other persons who called at your houses between four and six o'clock on October second?"

"Yes," the janitor answered. "I had just sent my

boy back to the saloon with the empty pail and was watching him walk across the stones, when some one in back of me called and asked where the nearest taxi-stand was. He was in such a hurry that he hardly waited for me to give him clear directions, and he gave me a jab in the side as he ran past. Just then my wife called me, because the drain in the boarding house was out of order again—they always put rubbish and hair combings down it, as though it was an ash barrel—well, when I had fixed that and had come back into the garden, I saw the doctor going into the third house to call on Mrs. Swieter, who had died in the meanwhile."

"What sort of impression did the man who was in a great hurry make on you?" the judge asked.

"I remember distinctly," said the janitor, "that he wore a long, full cloak. For I thought to myself, nowadays women wear men's coats and men wear women's coats. From the back he looked like a woman. Otherwise he looked all right."

The prosecuting attorney asked permission to refer back to the man with the cigarette. He wanted to know if he spoke like a native or if he had an accent.

"Well, you know," the janitor replied, "very few people talk the way we do. People are always fooling

me with their talk. 'Have you a light, your Honor?' " He repeated the question, to refresh his memory with the sound of the words and the intonation. "It sounded peculiar, but very pleasing, and of course it's good grammar. The automobile fellow, on the contrary, breathed so heavily that I could hardly understand him, and I don't believe he understood me very clearly either, because he ran to the wrong side of the street at first, although I had given him very clear directions. But that might have been because he was in such a great hurry."

"The man in question," the judge explained, "is no doubt the man who inquired about rooms at the boarding house and had to be refused. It has been impossible to find a trace of him, and we have taken it for granted that he was a transient."

* * *

At the close of the day, all participants in the court proceedings with the exception of Deruga were tense, irritable, and utterly exhausted. Mr. von Wydenbruck's thoughts were centered on the dead woman's dream, which Ursula had described, and he spoke about it to Dr. Bernburger, as they were walking through the wide halls of the court house.

"The child who came to visit her," he said, "was

of course a concept of the father; the see-saw clearly means sensual excitement. She expected him to call. There is no doubt about it."

Dr. Bernburger, who was extremely pale, had just lighted a cigarette and was beginning to recover himself.

"That's true," he agreed hastily. "The ends of two opposing inclinations meet just as borers in a tunnel. He had asked her for money. That aroused her memories. She expected him in a loving or sentimental frame of mind. He came in the disguise of a peddler hawking wooden spoons. Either Ursula, a party to the plot, let him in, or he knew how to distract her attention and get in, or Mrs. Swieter herself opened the door. If I knew the details of the preliminary examination and if I had been allowed to put the questions, I should have forced the facts of the case immediately. I was on the rack while this ponderous apparatus of the law was at work." Dr. Bernburger wiped his hands on his handkerchief, and his thin fingers were shaking.

"Do you believe," Dr. von Wydenbruck asked, "that the desire for reunion came from Deruga's side, and that his reason for it was worry about money?"

"I believe that's most likely the case," said Dr. Bernburger. "In all events the Slovak killed her, and the Slovak was Deruga."

"In my opinion," Dr. von Wydenbruck responded, "magnetic attraction was the reason for their reunion, the hysterical magnetic attraction that draws two people together with such fatal results. No matter how the desire expressed itself, that must be the heart of the matter."

"I wonder if the cigarette which he threw away could still be lying in the shrubbery?" said Bernburger, giving voice to his thoughts. "But so much snow and rain has fallen on it since then."

"Why could it not have been the man with the automobile?" Dr. von Wydenbruck asked, changing the conversation.

"He showed too ingenuously that he was in a hurry. The other chap asked for a light to pretend that he was at ease, and then immediately threw away his cigarette, because he had no desire for a smoke. Furthermore, smokers generally carry matches. Aside from that, I felt he was the Slovak, when the maid was telling her story. I saw it with second sight, I might say."

Dr. von Wydenbruck regarded his friend with a new interest.

"That certainly would decide the issue," he said, and inquired if his friend often had moments of second sight.

In the same corridor through which they were walking, Deruga was standing with his lawyer, Fein, in a window niche, deep in conversation, but watching the passers-by.

"If I were the judge," said Deruga, "I should take a loaded revolver along with me to the trial, and flourish it in the faces of the witnesses, and if they still could not make up their minds to answer sensibly, I should shoot them down. The man has an inconceivable amount of patience."

At that moment he caught sight of Dr. Bernburger and his companion, quickly took a cigarette out of his case, advanced a few steps, and said to Dr. Bernburger, "Have you a light, your Honor?" Then, after he had lighted his cigarette, he returned to his lawyer and looked at him seriously.

Dr. Bernburger had paled perceptibly, while he held out his lighted cigarette to Deruga. It is evident that he is making fun of me, he thought. What remarkably keen perception, what presence of mind,

impudence, and composure the man has! One could suspect him of anything. To be sure, if he were not guilty, his behavior was merely that of a disinterested party. But his behavior was the certainty of a shrewd, cynical participator. It was the challenge of a clever criminal, who considers himself safe from conviction.

Dr. Bernburger was too much excited and too busy with his thoughts to give them expression, and he quickly walked on.

"He guessed your thoughts," said Von Wydenbruck. "Here again we have a symptom of hysteria. And in his composure, another. You will finally have to admit that the murder was due to a pathological condition—some sort of sex murder."

"But the woman he murdered was fifty-two years old," Dr. von Bernburger objected angrily.

"That is where perversion comes in," was the reply. "Perhaps for that very reason her image blended with the memory-picture of his mother, through which the propensity for passion and lust for destruction were fatally strengthened."

Meanwhile Fein was reproaching his client. "You really are the flower pot they call you," he said. "I'll have to put a lock on your mouth. What sort of an eruption was this?"

"Oh," Deruga answered, "why shouldn't I throw those two young sharks a bone to chew on? Didn't you see that they were so interested that their eyes were popping out of their sockets? I'm only sorry I can't see them chew on the bone."

"It doesn't pay to play with sharks," said the lawyer. "And even though you're a useless Italian, I don't like to see them cut their teeth on you."

VII

AS the baroness was leaving the court room on her husband's arm, an usher approached her and asked her to come to Judge Zeunemann's private office for a short interview. He had been sent, he added, to conduct her there.

"You'll come with me, won't you?" she asked, turning to her husband, who agreed readily. He complained of being hungry; but since the judge was most likely in the same predicament, he would not keep them long, he surmised.

The judge of the supreme court, she said in French, was a very charming person, perhaps a little inclined to be proud in a bourgeois way, but pleasant and completely won over to their side, she thought.

Dr. Zeunemann had already changed his coat and was nibbling at a piece of chocolate, when they entered. "I should not have detained you, my dear people, just at this time," he said, offering them chairs, "were it not for your own good. I want to soften a shock for you or, at least, prepare you for an unwelcome surprise."

"A shock, Judge!" cried the baroness. "Now, when my nerves are completely unstrung by this hideous trial? No, you could not be so cruel!"

"I hope to mitigate any unpleasantness," he said, "by preparing you for it myself. This morning I received a letter from your daughter, in which she said that she had read about the trial in the newspapers. She was beside herself, she wrote; protested against the whole affair, and demanded that her protest be made public."

"But you wouldn't do that, Dr. Zeunemann!" the baroness cried, her face flushing. "She may protest privately as much as she wants, but certainly not publicly. As if the trial weren't scandal enough in itself!"

"Perhaps that was the very reason why your daughter disapproved of your participation in the case?" the judge inquired.

"But, my dear Dr. Zeunemann," protested the baroness, "you don't expect me to consult the wishes of a silly young girl, of a child, when such important matters are at stake. Should you, were you in my place?"

"In any event," he replied, "if I were you, I should try to prevent my daughter from making a scene. She

seems to be very angry and provoked, madame, because you insist that you instigated the trial for her interests."

"Oh, the ingratitude of children," sighed the baroness. "Would I have taken all this unpleasantness and scandal on my shoulders, if I had not considered it my duty to fight for the worldly advantages to which my daughter is entitled?"

"Why don't you say something, Botho?" she asked, turning to her husband. "I hope you will use your authority with Mingo."

"I shall try to keep her from doing what she contemplates," the baron replied. "But you know very well, my dear, that it's no easy matter to handle Mingo."

"It's very easy," said the baroness, disdainfully, "if you know how to do it."

"She knows both of us too well for that," the baron answered calmly, "and she's too spoiled."

"Spoiled by you!" his wife corrected. "Thank God, she's too far away to do any damage in person."

"The letter which I received to-day," said Dr. Zeunemann, "is postmarked Ostend."

"Ostend!" the baroness exclaimed, rising from her chair. "She left England without asking our permis-

sion? You must not let that pass without notice, Botho."

"She intends to come here," Dr. Zeunemann continued.

"Thank you, Judge," said the baron, rising, "for telling us this news in such a considerate manner. We shan't impose on you for another minute."

The baroness thanked him too, in her charming fashion, and asked him not to mention her daughter's queer notions to any one.

There was so large a crowd in the roomy vestibule on the ground floor, that the couple could not get through as quickly as they wished.

Angry with her husband for not clearing her path, and insulted because the crowd did not step aside for her, the baroness stood perfectly still. Suddenly something caused her to glance to the side, where, quite near by, she saw a man's face regarding her with an expression of ineffable scorn. As she turned away in annoyance, she saw a striking stickpin in his tie, and it suddenly dawned on her that the man was Deruga.

She felt faint and sick. "Why don't we go on?" she said petulantly to her husband, tugging at his arm. He noticed her excitement, renewed his efforts

to clear a path through the throng, and in a few minutes brought her out to the waiting automobile. She sank back into a corner of the back seat with an expression of complete exhaustion.

"Did you see Deruga?" she asked her husband, who anxiously asked her how she was feeling. "And how impudently he stared at me? I can't understand why they let that man come and go in freedom. I never imagined that he was so horrible."

"Was to-day the first time you had ever seen him?" the baron exclaimed.

"I never recognize people unless I have my glasses on," she retorted irritably. "You know that. I don't know how I'm to get over the shock. To think that I should be exposed to this man's vengeance! I shan't feel safe any longer."

As for that, remarked the baron, she could put her fears at rest; a man accused of crime or under suspicion was always careful.

"And there are certain people who always believe whatever is the least annoying," she added.

She would feel more at ease, when she had had something to eat, prophesied the baron with the utmost good nature. She was overtired, starved, and ill from the bad air in the court room, he surmised.

And added to that was her shock at Mingo's behavior. She should rest during the afternoon, he advised, instead of shutting herself up in an ill-ventilated court room for hours on end, and exposing herself to distasteful impressions. He was ready to attend the hearing and to give her a detailed account of what happened; the new testimony would not amount to much, he was sure.

This was actually the case. Mrs. von Liebenburg, who kept the boarding house in the second of the three houses, explained that she catered only to the finest people, that nothing had ever happened to any of her boarders, and that she could add nothing important to the proceedings. She naturally could not be responsible for every one who inquired for rooms at her place, and she could not keep books on every one who came, but she very definitely refused to say anything about the people who lived in her establishment. She asked particularly, that the ladies and gentlement of her clientèle be excused from questions and examinations, which would shed no light on the case.

After this sensitive lady had left the stand, Mrs. Ruebsamen appeared. She was the composer's wife and lived in the second story of the third house. She

made her excuses for her husband, who was ill and too nervous to appear in court as a witness. The very fact that he might be called on to testify, had reduced him to a state of nervous exhaustion. He had an artist's temperament, she explained, and one could not treat him as an ordinary individual. He could not have been of much service, anyway, because his memory was very poor; and when he attempted to concentrate on anything, he suffered a nervous panic.

She herself, she testified, remembered the second of October very distinctly, because Ursula had asked her in the morning to be as considerate as possible. Mrs. Swieter had had a bad night, she had told her, and perhaps might be able to snatch a little sleep during the day. Mrs. Swieter had been a very pleasant neighbor, and her husband had always said he couldn't esteem her enough for not playing piano or practicing on any other instrument. He had felt very sorry for her because she was sick. The idea of having a dying or dead person in the house was simply unbearable for her husband. Now there was a family living on the floor above them, who took gymnastic exercises in unison every morning and every evening, and her husband said almost daily, he'd do anything in the world to have Mrs. Swieter back, instead of

those gymnasts over his head. So they had done their part and sent the piano-tuner away. Anyway, he had come just at the time when her husband generally took his noon nap.

An hour later a man had called, but she did not think he was a real gentleman. He had asked that Mr. Ruebsamen give him an audition, to see if his voice was worth cultivating. She had shown the gentleman into the parlor, and had announced him to her husband, who asked her what sort of a fellow he was, and she had told him that he looked like a coachman or a paperhanger. Such people, you know, often heard of some poor devil or other who had made a fortune with his voice, and if they could bellow loud enough to bring the house down, they always imagined that they were born artists. Well, her husband lost all desire to hear the man sing, and auditions were thankless tasks at best. If you tried to dissuade people, they often grew very rough, and that was rank poison for a man as nervous as Mr. Ruebsamen.

It was her job in these instances, to turn away such a person as politely as possible, and she had done so in this case by telling him that her husband was

not at home and that he should come again. But he never showed up a second time.

Dr. Zeunemann inquired whether she had asked the man for his name.

"No, no," said Mrs. Ruebsamen. "I wanted to have as little as possible to do with him. And then a few years from now I suppose his name will be Mirabilio or Birbanti."

"This leads us nowhere," said Dr. Zeunemann in a quiet aside to his neighbor, who was yawning. "I knew it wouldn't."

"Right you are," replied his neighbor.

Dr. Zeunemann asked her one more question. Had a beggar or a peddler rung her doorbell around noon? But he interrupted the witness when she began on a long list of possibilities, and ordered her to tell only those facts which were pertinent to the case in hand. Mrs. Ruebsamen knew absolutely nothing that had any bearing on the case. Whereupon a recital of all the suspicious visitors on the fateful day was averted.

VIII

"IT was very good of you to put up bail for me," said Deruga to Peter Hase, offering him his hand. "Just like you, a gentleman through and through. I am your obedient servant."

A red flush colored the pale face of the writer. "They promised me faithfully not to mention my name," he said, frowning. "I don't understand why they did not keep their promise."

Deruga laughed. "I set a trap for you and you fell into it," he said. "So it really was you. You must confess that I know human nature! If I could sit still as long as you Germans can, I might be a writer too."

"A better one than I am," Peter Hase replied. "You understand how to live your own life better than I do, at any rate."

"That sounds a bit sour, coming from you," Deruga remarked. "Society lion, then a wealthy wife, the darling of the public, privy counselor, and most likely a title in time. Somewhat scheming, but nevertheless agreeable. Always in a faintly perfumed atmosphere."

"I should like to spend the evening with you," said Peter Hase, changing the subject, "if you have nothing better to do."

"Only my bed and sleep," said Deruga. "Both are wonderful, but I can always have them. Perhaps I can have you only for to-day. Will you join the party, Mr. Fein?" He turned to his lawyer.

Fein said he had to go home to his family, but had perhaps half an hour to spare. He was glad to meet Peter Hase, he said, as they sat at dinner in a private room of a restaurant. He was, to be sure, versed only in law, and had no time for literature, but the fame attached to Peter Hase's name had reached his ears. In his youth he had considered himself a critic and connoisseur of art, but that probably was due to youthful conceit.

"I think so, too," Deruga said. "A good beefsteak, somewhat rare, broiled, is what you understand better."

The lawyer laughed good-naturedly. "Well, I suppose so," he answered. "I have an opportunity to study that every day. Good books are few and far between. And, you know, I would rather read true stories. One can learn something from them. But to

be hoaxed by the imagination of others—for that my time is too valuable."

"Everyday life is too boring and colorless, more's the pity," said Peter Hase. "Literature should be a beautiful, colorful tapestry."

"Yes," Deruga added, "a purple sea full of monsters, magic jewels, and rarities. Green as glass, black as night, opalescent, inexhaustible, unfathomable, seething with new wonders, voracious. But that is just what life is."

Peter Hase thoughtfully studied Deruga, whose small eyes mirrored his imaginative description. "You are a writer in feeling at least," he said. "Your feeling makes you one."

"And at bottom it is all flat, and common as mud," said Deruga in a changed voice.

"Well, now you're going too far," the lawyer objected. "Take your trial, for instance. You certainly are an odd person, and Baroness Truschkowitz is at all events not a common type."

"I hate that kind of woman," Deruga interrupted quickly. "Selfish, avaricious, narrow-minded, cold-blooded, and always on the alert for a new sensation. If she didn't have money, she'd be a streetwalker."

"Here, here, Deruga," said the lawyer in mild reproof, "you're prejudiced."

"Oh," Deruga retorted angrily, "so you think it decent for a woman, motivated by avarice, to accuse a stranger of murder? A man who never did her a speck of harm? What an idea! I am supposed to have murdered an elderly woman, who was my wife, the mother of my only, adored, priceless child, because she wouldn't give me money, or enough money. I am supposed to have murdered her in order to get control of her fortune a few months sooner. I swear to you, such a thought would never occur to me."

"But, good God!" exclaimed the lawyer. "Such things happen all the time. You can't always look at life through rose-colored glasses. You know that people have been killed for a few dollars. And besides, you forget or want to forget that the baroness did not expressly charge you with this motive. If people consider you vengeful, hot-tempered, and hare-brained, they're not so far wrong."

Deruga rested his head in his hand and made no answer.

"I feel it my duty to tell you," said Peter Hase, breaking the silence, "that I called on the baroness, on her invitation. She impressed me as being a lady."

"How did you expect her to impress you?" Deruga asked sharply. "As a street cleaner or a scullery maid? It doesn't make any difference, anyway. She most likely wants to strike up a flirtation with the well-known young writer."

"She flirts no more than other women," said Peter Hase. "She even flirts in an especially well-bred fashion, admirably suited to her age. It seemed to me that she had some idea of marrying me off to her daughter. She spoke constantly of her daughter."

"Well," said Deruga, laughing scornfully, "street-walker and procuress, they're almost one and the same thing. Only it's especially vile to be a procuress of her own daughter. A woman who must know men! You must admit, gentlemen, that we've all been in the gutter."

"We're not so clean, at any rate, as a young girl of good family," Peter Hase replied, calmly and courteously. "But I'm not sure that it would be a good thing if we were. The women themselves don't seem to wish it."

"No, they seem to love dirt," said Deruga. "Enough of such talk! Are you thinking of marrying the little baroness?"

"I shall withhold my decision until I have seen her

and talked with her," Peter Hase answered. "Since her fortune is not extraordinarily large, she must have unusual qualities if I am to consider matrimony."

"Then you're evidently not counting on my fortune," Deruga responded. "That's decent of you, and also very sensible. The Germans really are good hounds, but an Italian hare is nimbler and is not easily caught."

"You're out of humor to-day, Deruga," said the lawyer, as he rose to take his leave, "and I suppose I would be too, if I were in your boots. As far as German hound dogs are concerned, it's true that I can't run especially fast, but I can bark and bite, and I am at your service with both these accomplishments. Well, see you later!"

"Thank God, not until day after to-morrow," said Deruga, failing in his attempt to smile pleasantly. "To-morrow is Sunday."

Fein nevertheless asked him to make an appointment for a short conference on the morrow.

"Yes, that's all right," Deruga answered. "Sunday is always the hearse in the procession of life. Monday is the grave."

IX

BY Sunday Deruga had recovered his good spirits, for the friend of his boyhood and early youth, Dr. Carlo Gabussi, a country doctor in a village just above Belluno, had come to stand by him during the court procedure. He had read of the case in the newspapers, and had left immediately for Munich. The two friends embraced and kissed each other again and again, and quite a time passed before they were able to carry on a sensible conversation.

"Did you really come on my account, Carlo, old fellow?" Deruga asked. "I'm not worth the trouble, the long trip, the expense, and all that."

"Nonsense," said Gabussi. "I was glad of the opportunity to get away. Why, I haven't left my blessed home town for ten years. But if I can be of any use to you, I shall be more than pleased. Think of doing anything at all for you, after the sacrifices you've made for me!"

"Sacrifices I've made for you?" Deruga asked laughingly. "Do you mean the visits I let you make

day after day for months, when I was sick in the hospital?"

"Well, of course," Gabussi replied, "you didn't get sick just to please me, but I could come to see you and didn't have to sit home all the time, where there was so little for me to talk about. You let me tell you about my sweetheart. You even wrote poems to her."

Deruga asked him how he was getting along, and whether he were still single.

"Yes," said Gabussi, with a tinge of melancholy in his voice, "mother lives with me, and my poor lame sister. So you see I can't support a wife. She couldn't get a position teaching in our town, either, because they don't hire married women. But it makes me very happy to have my mother still with me. She is so frail now, that I can carry her on one arm; and I carry her to bed every night, even though she hesitates to let me. But I can't help doing it, and deep in her heart, she likes it. Of course, my Lisa has a few white strands in her pretty black hair. They seem to me to be the silver marks of God's caressing hand. And when I see her so good and so happy with her little pupils, I am cut to the quick, and I think: If those were only our children! But it's selfish and unjust of me, when I consider how well off I am, com-

pared with you, for instance, my Dodo, you good old chap. But how in the world did you happen to get mixed up in such a devilish mess? No, don't tell me about it now, if you don't feel like it. We have plenty of time. I shall stay here as long as you need me."

"I bless this filthy business," said Deruga, "because without it, I should not have seen you for a long time, Gabussi! You've grown somewhat thinner, but otherwise you're still the same dear, honest, diffident person."

"But you're no longer my bronze David," Gabussi answered. "Your skin is gray, I suppose from lack of fresh air and exercise. Let's take a walk, or still better, I'll hire a car and you can show me the town and the country round about."

The day was gray, and sloppy underfoot. The open car drove slowly through the melting snow, accompanied by the musical patter of raindrops. Deruga leaned back comfortably and answered the many questions put to him by his companion, who was delighted with the magnificent open squares and buildings. In a quiet street, into which the driver, to whose good judgment they had entrusted themselves, had turned, Deruga suddenly recognized a wrought-iron

gate. The paved walk along the side of the house was deserted and the shrubbery not yet in bud.

"What's wrong with you?" asked Gabussi, linking arms with his friend, who had sat up suddenly.

"We just passed the house where poor little Marmotta used to live," Deruga answered.

Gabussi was silent. After a long pause he said, "But you were happy once, Dodo."

"No, not then," he replied. "My spirit was too restless, my heart too sensitive, and my mind too keen. With the temperament I possess, I believe I should have to be a god to feel happy."

"But it is very pleasant, anyway, to be as temperamental as you are," said Gabussi. "Do you still remember how often our Bible teacher used to say to you, 'Sigismondo, you have intelligence, plenty of intelligence. But intelligence is a fire from hell; common sense is a light from heaven. And many an old factory hand has more common sense than you.' "

Deruga laughed. "Yes, he was a fine one to talk about intelligence! And do you remember how he used to warn you against me, and prophesy that I would either turn into an atheist or else into a saint?"

The car had meanwhile come to the city limits, and under the thick trunks of old willows and poplars

they saw a swift river flowing through wide meadows. Deruga's sad memories of the recent past blended with his recollections of childhood, and made him sentimental and dreamy.

"When we were boys, you were happy, weren't you?" Gabussi asked.

"When I wasn't thinking, deep down in my heart, of how horrible, degraded, false, and unjust everything about me was," Deruga replied.

"You, who had such an angel for a mother! And do you remember how you used to like to come over to our house, and how quiet you were when my mother kissed you on the forehead and called you 'little stranger'? And how we used to sit up in the attic and learn our lessons, and how afraid we were of every shadow?"

By the time the two friends returned from their ride, a feeling of peace had come over Deruga.

"When this stupid business is over and done with," he said to Gabussi, "I shall start life anew. What would you say, if I should decide to go back to your hills with you?"

"Oh, Dodo," said Gabussi, overjoyed, "that would be heaven itself. And how happy my mother and sister would be! And my Lisa would rejoice for my

sake! The greatest pleasure in the world for Lisa, is to see me happy. To think that you would occasionally go my rounds with me, and that we could talk and gossip and think of old times!"

But they were interrupted by a gentle knocking, which had passed unnoticed for some time, so lost were they in conversation. On opening the door, Gabussi saw a dainty little blond-haired girl with large, dark-brown eyes, regarding him timidly, but resolutely.

"I should like to speak to Dr. Deruga," said a clear little voice, somewhat tremulously. "Are you Dr. Deruga?"

Gabussi shook his head and motioned towards his friend, at the same time inquiring of him with a glance, if he should leave the room.

"No, stay," Deruga bade, laying his hand on Gabussi's arm; and he asked the girl with whom he had the honor of speaking.

"I am Mingo von Truschkowitz," said the little lady, "and I came to tell you that I am very sorry that my mother started suit against you, and that I had nothing, absolutely nothing, to do with it. Since my aunt willed her estate to you, it belongs to you.

Anyway, my mother has not the slightest claim to it, since she never bothered herself about Mrs. Swieter."

"You poor child," said Deruga, "it must have been hard for you to come to see me all alone. My little Mingo would have been just about your age now," he added after a pause, during which he had regarded her with smiling eyes.

"That is what your wife said to me, when she saw me for the first time," Mingo answered, hesitantly.

"You visited my wife?" Deruga asked. "When? Tell me about it."

"It was eight years ago. I visited her because I had heard so much about her which appealed to me. I felt that at our house everything was dull, boring, and unimportant. I liked to imagine that there was some tie between Mrs. Swieter and me, because we had the same name. I liked her so well, she seemed to be a secret princess in disguise; but she told me not to come again, if I had to come without telling my parents about my visit. Perhaps I made her feel sad, too, because I reminded her of her little girl who died."

"So there's still one little Mingo in the world," said Deruga warmly. "Then you think," he asked

after a short silence, "that I have been unjustly accused?"

"After what your wife told me about you," she said emphatically, "I am convinced you would never purposely do harm to any one."

"I did her much harm," Deruga replied. "But because I loved her."

"That doesn't count," said Mingo firmly; and she continued hesitantly, "Your wife showed me your picture, too."

"It doesn't seem to have resembled me very closely," Deruga answered with a laugh, "or else I've changed considerably."

"Not so much as I thought at first," she said.

Gabussi protested that his friend's appearance had only changed for the better, and urged the young girl to second his opinion.

"That I can't say," she answered, blushing deeply. "But Mr. Deruga does not look old."

"Compared with you, I am very old and very wise," said Deruga indulgently, "and because I am old and wise, I shall give you this bit of advice: Do not quarrel with your mother on my account, even if she is unjust to me! A child owes her mother more than she can ever repay. When your opinions differ,

talk the matter over with her, but never in any but a sweet, gentle way. Will you promise me that?"

He held out his hand, and Mingo, completely won over, put her little hand in his.

As soon as the girl had left, Carlo Gabussi embraced his friend enthusiastically, and praised the little one. He inquired about her mother, who, he suspected, must be a devil.

"If she only were," Deruga answered. "She is merely a smooth, shallow, pleasure-seeking woman, too superficial to be wicked. A product of our society, in which the large-scale robbers are honored and the petty thieves are hanged. Outwardly she is rather attractive."

"Why does she hate you so?" Gabussi asked.

"Because I inherited the money she planned on getting," Deruga answered. "Otherwise I don't seem to displease her in the least."

"What do you mean by that?" inquired Gabussi. "Have you spoken with her?"

"Only with my eyes. But I know women through and through. If I were so inclined, she would be quite willing to strike up a little affair with me."

"But Dodo!" Gabussi exclaimed angrily. "That's repulsive, degenerate! To flirt with a man whom she

is trying to put in jail or send to the gallows! I don't understand such people. If I could only extricate you from affairs with women, who are at the bottom of all your troubles! You ought to marry a simple, honest, affectionate woman, and then come to the hills with me. What do you get out of this unholy, disordered life of yours? Fresh air, sunshine, sobriety, those are the most important precepts of the modern cult of good health."

"Drawn up for healthy souls," Deruga added. "But sick souls need warm filth and snug dirt."

"Nonsense," said Gabussi in great perturbation. "That's a nonsensical thing to say. And so is the premise that you are sick. The trouble with you is that you are easy-going and too good-natured. Promise me that you won't get caught in a new web! Not even out of sympathy. Love affairs drag women into the gutter. And promise me that if the baroness really tries to flirt seriously with you, you'll put an end to the matter before it begins."

Deruga laughed uproariously at his friend, who was standing in front of him like a revivalist preacher, gesticulating wildly. "What I want to do," he said finally, when he regained his breath, "is to

encourage her, in order to humiliate and insult her the more, when I let her down. I hate the creature."

"Oh, Dodo," sighed Gabussi. "That's a dangerous and slippery business. Don't bother with her, if you hate her. If you don't drop the matter for your own sake, think of her charming little daughter."

Deruga's expression grew softer. "Little Mingo," he said. "I should hate hurting her."

"There, you see," said Gabussi eagerly. "It was most unfortunate for you to lose your daughter. Had she lived, I am sure you would have led an honorable, upright life."

"Or I should have dragged her down into the gutter with myself," said Deruga, suddenly despondent.

"Deruga, don't talk like that!" Gabussi scolded. "You'll drive me mad."

Deruga embraced and kissed his friend. "Always the same old chap," he said laughingly. "Have you forgotten that you're not to take me seriously? I'm not a hot-house plant. You can't enjoy the delicate fragrance of my words, unless you scrape off the loam and the earth. Have you forgotten that?"

Gabussi laughed too. "You're right, I'm a clumsy fool," he answered. "It's no wonder that you have

your mad moments, seeing the predicament you're in. We have to get you out of it before we do anything else."

The lawyer whom he consulted spoke rather favorably of the chances for acquittal. Deruga, he admitted, had not made a very good impression, and there were still many grounds for suspecting him, but the facts so far brought forward were not sufficient, in his opinion, for the jury to declare him guilty. Gabussi was not satisfied. He was too good a friend to be satisfied with anything less than complete exoneration. He insisted on appearing as a witness, so that the public might see Deruga as he really was and set him free not because they did not have sufficient evidence against him, but because they were convinced that he was innocent.

"They were prejudiced against you before the trial began," he said. "They only knew one side of your nature. Could any one judge a painting correctly, if he saw only a fraction of an inch of it? I want to tell them about your childhood and youth, tell them about the real you, without exaggeration and without bias. That is an inductive method which should appeal to scientific Germans."

Gabussi's appearance made a favorable impression. To the public, his honest brown eyes, his straightforward expression, and his frank way of talking were worthy even of a German. As he had studied for a few semesters in Vienna, he spoke good German when he was careful and talked slowly. He was acquainted with the defendant from childhood, he testified; they had attended the same grammar school, and later the same high school. Dodo, as he was called, was always welcome at the Gabussis'. Everybody was amazed at what he had accomplished, and at the way he battled his way through adverse circumstances.

"What were these adverse circumstances?" the judge asked.

"His home environment was not of the best," explained Gabussi. "He was kept so busy at home that he often had only the late hours of the night for studying."

"Why was that?" asked the judge. "What did his father do?"

"At that time his father was selling fruit. He had a small shop back of the old town hall," Gabussi answered.

"According to Deruga's deposition," the judge

said, fingering the documents on his desk, "his father was a merchant."

"Well," Gabussi replied, "a man who sells fruit is a merchant, isn't he? Furthermore," he added, as he glanced uneasily at his friend, "he wasn't always in the same line of business. He was a good but restless man."

The judge bade the witness describe Deruga's father in greater detail.

He had seen and talked to him too seldom to give a reliable and accurate account of him, Gabussi said. Whenever he had been at Deruga's house, the father had sat apart from the family, lost in his own thoughts and taking no part in the conversation. It was only occasionally that he had felt merry and had laughed and joked with them.

"He was not always there?" Dr. Zeunemann asked.

"No," said Gabussi. "He often felt an overpowering urge to leave his family and take to the road. At such times he often stayed away for weeks, even months."

"Did he drink?" asked the judge.

"No, not especially. He was just eccentric. From time to time an irresistible longing for new experiences, a thirst for adventure came over him. He was

not a family man, and that was unfortunate for his wife and children. Fortunately his wife was an angel, simply an angel, and Dodo, the oldest son, no less. He was exactly like her, in spirit and in appearance."

"There were several children in the family?" interposed the judge. "What became of them?"

"Oh, they weren't especially successful," said Gabussi, with some hesitation. "They inherited their father's unfortunate thirst for adventure."

"And the eldest son did not?" Dr. Zeunemann questioned.

"No, indeed," Gabussi replied animatedly. "Even as a child he was his mother's mainstay. He took care of the younger children, helped her in the kitchen, with the housework, and in the shop, and sang while he did it. His mother was happy, too, and grateful that God had given her such a son. 'He has sent me his dearest angel,' she used to say, 'and my life is a foretaste of heaven.' When she worried because she had to work so hard, she consoled herself with the thought that God would endow His favorite with strength to bear his burden. Evenings, when he did his school work or was bent over his books, she sat next to him and sewed or patched. They lived in a veritable paradise when the father was away."

"Did the father abuse his wife and children?" asked the judge.

"I cannot say much about that," answered Gabussi, while he again looked anxiously at his friend, "because neither Dodo nor his mother ever mentioned it to me. After her death father and son occasionally had their disagreements; while she was alive, the poor woman kept her husband in bounds."

"His business and home, I suppose, deteriorated?"

"My friend did what he could," Gabussi related. "He was father and mother to the smaller children, although he was little more than a child himself. He even delivered purchases at night with a little dray. His father grew more and more irresponsible. In fact, he even encouraged the younger children in naughtiness, and put them up to tricks. He would have caused all sorts of evil, had he not feared Dodo."

"Had he grown old and frail?" the judge asked.

"No, indeed," said Gabussi briskly. "On the contrary, he was a big, muscular fellow, much stronger than Dodo. But Dodo's strength seemed to increase a hundredfold when he was angry. His poor mother would have said that God had breathed His strength into the boy, to protect His darling. I have seen his

father crawl away from him like a dog that knows he deserves a beating."

Mr. Fein slowly drew himself up to his full height. "Gentlemen," he said, "I believe that many of you are now thinking: Here is another instance of this man's unruly, dangerous temperament! If a man lays hands on his father, why would he not be just as quick to attack his wife? But the thought that entered my mind is: We again see an impetuous, almost pathological fervor cropping out, since the matter in hand is one of warding off or punishing evil! In Deruga we have a man who is very easily irritated, but what irritates him is wickedness, evil, a lack of harmony. We have not had one instance of his attacking or wronging any one for selfish reasons."

"Jealousy is certainly selfish," replied the prosecuting attorney, "especially when there is no reason for it. And you cannot compare the deeds of a child with the actions of an adult, especially when the person concerned is pathologically inclined, or rather, when he never finds himself in proper balance. We see how the father's unfortunate inclinations grew more and more pronounced as he advanced in years, and how fatal the lack of a restraining hand was after his good wife died. There is a similarity in the case

of the defendant: With his separation from his honorable, excellent wife, begins his fall."

"His fall!" said the judge deliberately. "I must protest against the use of the word, or ask that it be stricken from the record. There is no question of a deviation from the usual, customary walk of life. It is true that Deruga manifested a certain carelessness in demeanor, dignity, and position. It does not follow that it would necessarily be accompanied by a corruption in moral standards. It might even result in an intensification of moral values. As a servant of the state, I lay great stress on tradition and conventionality. But at the same time we must not forget that the state and every other form of human institution have only such powers as have been attributed to them from without, from chaos, we might almost say."

An ironical smile distorted the prosecuting attorney's face.

"That is philosophy," he said, "and by philosophy you can prove the necessity for general massacres and wholesale poisonings. The matter in hand, however, concerns itself simply and solely with criminal practice. Christ could permit himself to love pub-

licans and sinners; we must make up our minds to punish them."

The judge made a movement of his hand as if he were erasing chalk marks from a blackboard. "You are going too far," he said; and turning to the witness, "Did you ever have a serious disagreement with your friend?"

"I? Never, never!" Gabussi exclaimed. "And yet I'm not easy to get along with. The phlegmatic temperament with which nature endowed me for better or for worse, must in itself annoy a fiery temperament, such as my friend has. My slowness of perception often gave him occasion to be impatient with me. But he was always self-sacrificing and ready with a helping hand."

"An angel," added the prosecuting attorney, with a grimace.

"Did the defendant have many friends beside yourself?" Dr. Zeunemann asked.

"He was on good terms with practically every one," said Gabussi, "but I was his only friend. I am sure no one knows him so well as I do."

"That is rather remarkable," replied the judge, "in a man to whose ardent, social temperament you yourself called our attention."

"It might seem so," said Gabussi, "and if you could have seen him with his comrades at school and later at college, you would have thought that he was an intimate friend of all of them. I remember that at first I was afraid to approach him. I thought he would have nothing to do with me because I was so clumsy and he was always surrounded by so many intimate friends. But this sociability of his was only a veil behind which he hid his soul to keep it unapproachable. No one is harder to understand than the man who seems to wear his heart on his sleeve. Some reserved people keep others at arm's length by silence and obvious unapproachability. That was not his way. He built up a protective wall by talkativeness and seeming familiarity."

The judge's sympathy and interest grew in proportion to Gabuzzi's zeal in explaining his friend's personality. "I understand, I understand," he said. "That often happens where passionate, extremely intense natures are concerned. They must always be on their guard, lest they reveal too much of themselves, yet they must have an outlet for their emotions."

"Exactly, exactly," Gabussi replied. "At bottom he was sensitive and easily hurt, but he was ashamed

to let others know his true feelings, for they were much more indifferent and callous. So he protected himself in his own way. He was not an animal with hidden claws or a scaly shell for protection; he could only spin bright threads and make himself unrecognizable through some such optical illusion. That protected him, I suppose, from too close contact with people who did not understand him, but certainly not from painful encounters which made his heart bleed. Oh, what a tragedy, that he was so often accused of causing others pain, when he was made to suffer continually!"

"Very interesting," said Dr. Zeunemann. "But from what especially did he suffer? His father, yes. But to compensate, he had a good, affectionate mother, he had you, and he had the friendship of your family."

"His mother loved him devotedly, there's no doubt about that," explained Gabussi, "and he suffered no injury at her hands. But the circumstances in which he saw her caused him pain. He never felt at home in the surroundings in which he found himself as a child. He had a great feeling for beauty, and everything ugly in surroundings as well as in people affected him. As he grew up in poor, or at least limited

circumstances, I was always astonished to find him so extremely sensitive about everything mean and ugly and all that poverty connotes. I could understand it only gradually. At first his complaints were Greek to me. The need for beauty in life was often the subject of our conversation and it was a matter on which we could come to no agreement. As I did not understand him, I was often unjust; for instance, when he declared that wealth was the most worthwhile thing in life, I was very unjust. I preached at him, or rather, over him, like a professor of ethics. I did not understand that to him wealth meant the acquisition of beauty in life, which he craved from the bottom of his heart. My simpler, cruder soul found itself at home in any surroundings. It is, in certain respects, a childlike piping, and in general it harmonizes quite satisfactorily with the tune played. But a gorgeous symphony is a different matter. My friend needed beauty about him, in which an infinite number of tones could be blended, some perhaps cacophonic."

"There we have another matter in which you disagreed," said Dr. Zeunemann.

"Yes, indeed," Gabussi responded, "but it was never anything but a friendly difference of opinion. We both let the other feel as he pleased about the

subject, and I suppose he even envied me at times, because I was so much more easily satisfied."

"I am surprised," Dr. Zeunemann continued pleasantly, "that your friend took up medicine as a profession, since he had such an extremely sensitive feeling for beauty. So many distasteful situations must be faced in the practice of medicine."

"Oh," said Gabussi, "that's where his willingness to help others and his concern for all ailing and suffering people stood him in good stead. He had a special gift for his calling. In addition, he thought he might make money in a relatively short time. This was desirable not only for helping out the family, but also for realizing the hopes we have already mentioned."

"And why did he not prosper in his chosen profession? What is your opinion?" the judge asked.

"It was not because he was not a good doctor," said Gabussi. "But I have already told you that his soul was rich and polyphonic. He longed for money and at the same time he despised it; he threw away two handsful for every one that he took in. He did his work quickly and well; but he was a better dreamer than worker. He was born with the capacity for enjoying wealth in every fine way, but with no ca-

pacity for acquiring it. To acquire riches, it is just as necessary to save money as it is to earn it. He could not save it. He had that tragic discord within himself which can only be balanced by a realization of the vanity of wealth and all which wealth procures. Even the poorest man can enjoy a superabundance of beauty, if he betakes himself to Nature. The only mistake Deruga made was that he did not do this from the very first. In the great world about us his conflicts of soul could find no solution."

"We thank you for a very fine picture of your friend," Dr. Zeunemann said with great warmth. "It is none the less useful because it was drawn by the hand of a friend."

After asking several unimportant questions, Dr. Zeunemann declared the proceedings adjourned.

* * *

As Mr. Fein and the two friends left the court house, twilight was falling. The streets were filled with people coming from work, but in the courthouse grounds it was as quiet as ever. As the lights were lit, the surroundings seemed to throw off their gaily-colored clothes, and to rest in pale, shimmering nakedness on the shore of eternal night, before plunging into deep waters. Gabussi declared himself unsatis-

fied with the results of his testimony. Nothing transpired as he had planned it, he said. He was involuntarily swept along on a current which carried him away from the direction he had chosen.

"Everything you said was right and fine," Deruga said, in an attempt to console him. "It seemed as superfluous to me, however, as to set a delicious Milanese *risotto* before a German, who would only wrinkle his nose at it and ask for his potatoes. But what difference does it make? It was beautiful to dream about the past with you."

"Yes," said the lawyer, "past sorrows make delightful conversation, as Shakespeare says."

"*Vice versa*, our Dante says, nothing hurts more than to remember in adversity the joys of the past," added Deruga.

Where the lawn sloped away, an early snowdrop was pushing its yellow head up through the soil. Deruga stopped to admire it.

"See this tiny creature," he said. "It looks like a little mouse peeping out of a hole."

"There you are!" said the lawyer triumphantly. "You laughed at me when I scraped away the dead leaves."

"It was wrong of you, too," Deruga countered. "Now most likely the cat will get it."

"Do you mean the frost?" the lawyer asked. "These early plants are hardy, they're made that way. See here, my dear fellow," he added, trying to drag his client away, "you are growing sentimental, and I don't like it at all."

Deruga did not move from the spot, but stared blindly at the damp earth. A verse from an old poem haunted him, and he quoted: *La doglia mia cresce coll' ombra.*

"That sounds like a strain from Amati," said the lawyer, enjoying the music of the verse with obvious relish. "What does it mean?"

"My pain grows with the shadows," Deruga translated. "That is to say, it vanishes again with the dawn, and is no more important than a twilight mood." He shook himself, as if to throw off his depressed state of mind, and turned quickly to the gate.

"As soon as you're with me in our village in the hills, those moods will leave you," said Gabussi. "It's coal dust in big cities that hides the blue of the skies."

"Do you think this pure air of yours will affect me the way you imagine?" Deruga asked. "I'm no farmer, you know."

"You'll soon be one," Gabussi cried, with great animation. "When you've once learned to be interested in nothing but our cows and goats, you'll be a healthy man again." He asked the lawyer for confirmation of his statement.

"It will do you good to play farmer for a time," Fein replied, carefully.

"You mean," said Deruga, "that if you could take the eccentric fellow apart, and put the pieces together again with certain changes, he'd be better off."

The lawyer laughed. "But it certainly would be a pity if one could not recognize the old Deruga in the new," he observed.

As soon as Gabussi was alone with Deruga in his room, he continued his description of village life. Deruga could accompany him on his visits, he suggested, since he understood how to get along with simple people. He would soon be idolized by the entire neighborhood. Furthermore, his women folk would have much to talk about, and if Deruga wanted further occupation, he could do research work on some problem or other in medicine. He would have an opportunity for manual labor, too. The people up there were about a hundred years behind the times, and had very primitive tools and farm equipment.

There was a field for his inventive talents and his skill.

"Oh," said Deruga, "how little you know me! Don't you understand that I should be bored to death in eight days, and that I should kill you or myself in fourteen days' time?"

"Bored?" repeated Gabussi, his eyes wide with amazement. "Don't you get bored in the city?"

"No, there's always something going on here," said Deruga. "This swarm of maggots on a dung heap entertains me. I despise it, but I need it. It is the form of life to which I can adapt myself. Your mountains give me the creeps."

"I don't understand you," Gabussi replied, his temper rising, "you surely aren't in earnest. Great and simple things must be good for good people."

"Oh, Gabussi," Deruga retorted impatiently, "man is not a triangle, to be used in demonstrating the Pythagorean hypothesis. Believe me, I should feel obliged to seduce your dear old sister, just to add a little excitement to the general calm."

"Dodo, if your poor mother could hear you say such things!" Gabussi wailed. "I know they're empty words, idle chatter; but the words alone tear at my heart strings."

Their conversation continued until late into the night, without bringing the friends to a mutual understanding. Gabussi insisted on staying in Munich until the trial was over, to take Deruga along with him, in case he wanted to come. To this proposition Deruga grew more and more antagonistic. Furthermore, he urged Gabussi to set out for home without further loss of time, since his mother and sister and patients were surely anxiously awaiting him, and there was nothing more for him to do in Munich. Gabussi finally agreed, but he was downcast and disappointed.

At the moment of parting Deruga threw his arms about him with his old heartiness, with tears in his eyes. "Forget the insane nonsense that I babbled," he said, "and hold fast to one thing only: that my heart is still the same. If you should have a stroke tomorrow which would turn you into a blithering idiot who could no longer find his own mouth, I should take you into my home and feed you with my own hand as long as you lived. Let me believe that you would do the same for me! What a slimy abyss life would be, if there were no faithful, loyal hearts!"

"Thank God!" said Gabussi, his brown eyes filling with tears. "I believe I should doubt the skies above, if I had to lose my faith in you!"

X

THE baroness sat with her daughter in front of the gas log and thoughtfully contemplated her little feet, propped up against the fender, as she asked, "What would you say, Mingo, if I should let you go on with your studies?"

Mingo was standing at the window behind her mother, gazing out at the reflection of the street lights on the shining black pavements, wet with spring rain. Her voice sounded faint and tired, when she asked in return, "Are you really thinking of it?"

"I've been thinking," the baroness answered, "that I simply cannot endure forcing you into an unwelcome marriage. We must therefore think of your future. You may not marry until you are well along in years; then again, you may never marry. Do you think you'd be happy if you went on with your studies?"

"Happy?" said the faint voice at the window. "O mama! But it would at least give me something interesting and useful to do."

The baroness, surprised and somewhat indignant, exclaimed, "When you used to plague me so to let you go on with your work, you acted as if your whole salvation depended on it."

Mingo stepped away from the window and crouched down in the armchair which she had moved over near her mother. "I wonder whether all our desires fade away as soon as we can gratify them," she said. "But perhaps I can't be happy about it to-night because I'm so tired, mama. If you'll let me sleep on that promise of yours, I'll no doubt wake up early to-morrow morning, very happy."

The baroness glanced at her daughter with thoughtful, friendly eyes. "No, don't go to bed yet, baby," she said. "It's so very nice to have a talk just by ourselves. You know, marriage is still open to you; but it isn't nearly so interesting as you most likely imagine, especially if one marries only for money."

"Did you marry papa only for money?" asked Mingo.

"Well, not exactly. He would not have repelled me, had he been poor," the baroness answered. "On the contrary, I found him very pleasant and he attracted me. But it probably would not have come to a question of marriage, if he had not had quite a fortune."

"Later on you didn't find him so pleasant?" Mingo asked, shyly.

"Oh, pleasant," said the baroness, "every one finds him pleasant. He is so exceptionally aristocratic, never intrusive, never vulgar. But he bores me. Would you believe it?"

"Yes," Mingo agreed. "I can see how he'd bore you. But I thought that when people were in love—"

"Oh, you foolish baby," said the baroness, with a laugh. "Love doesn't fill one evening, once you're married."

"Oh," said Mingo dreamily, her large dark eyes on the glowing red copper lining of the fireplace. "But then there are children," she added, after a pause.

The baroness laughed charmingly, like a girl. "My child, you ran away from me soon enough."

Mingo suddenly felt engulfed in a great wave of love and sympathy for her mother, and with one jump she was in her lap, throwing her arms about her and kissing her. "Here, here, my marcel and my laces!" the baroness cried, taken unawares. But she seemed quite willing to submit to this convulsion of tenderness.

"You see," said Mingo, more gaily than before,

"it's much better to go on studying! It never grows boring and it never runs away."

"It's too late for me," the baroness observed, "but for you it may be the right thing."

Mingo consoled her, telling her how clever she was. If she only wanted to, she could study too.

The baroness shook her head. "I never did any mental gymnastics," she said. "My mind can jump over a brook and gracefully pick a flower or two, but it can't do anything that needs muscles. I can't exert myself nowadays. Perhaps I might have, in the past, if need had driven me to it, or some other strong motive."

"Mama," said Mingo, still sitting in her mother's lap, "were you ever in love? Before your marriage, or afterwards?"

"No, not really in love," the baroness answered. "You know, when I was young, about as old as you are, I thought that the flattered feeling which a girl has when she is being courted, was love. The better I liked the suitor, the pleasanter it was; but I had no capacity or inclination to be in love myself. And when I married, I made up my mind never to let an affair become serious; and that resolution always stood in my way."

In the meantime Mingo had slid down to the floor at her mother's feet and was staring fixedly at the fire. "Then you don't know how it feels to be swept off your feet by passion?" she asked.

"You almost seem to reproach me for it," said the baroness, a sharp note entering her voice. After a while she continued, more gently, "It's quite possible that I'm none the worse for the lack of it. Furthermore, it was not for your father's sake that I made my resolution; it was an expression of my own nature. I'm not given to great excitements and upheavals; and what I had decided to do, I meant to see through. I consider that a requisite of good taste."

"Yes, mama," said Mingo, and she kissed her mother's carefully manicured hand, covered with costly rings. "And papa and I have reason to be grateful. Only, I am sorry for you."

"Don't worry about me, baby," the baroness replied. "The unsuitable would not make me happy. I planned another way to happiness for myself."

"What do you mean, mother?" asked Mingo in alarm.

The baroness blushed, but her color passed unnoticed in the glow of the gas log. "I'll tell you

some other time, darling," she said. "I hear a car. It's no doubt your father's."

"Mama," said Mingo, quickly, "you haven't yet promised me to drop your suit against Deruga. Unless you do, nothing, nothing in the world will make me happy. I'll gladly give up all thought of studying and stay with you always, as long as I live, to keep you from being bored, if you'll only drop the suit."

"Don't excite yourself, Mingo," said the baroness, turning away. "You know I don't like it. Nothing in the world is worth getting excited about. I told you that I'd talk the matter over with my lawyer!"

"Oh, your lawyer!" Mingo exclaimed. "He's just the one who started it. He's a disgusting creature! There's something crawly, slimy, nasty about him, as if he were born to be a spy. I don't see how you can associate with such a person."

"I'm not associating with him," answered the baroness. "I make use of his admirable talents. If he were a gentleman, he would be much less useful. He may be using me, too, for my name; but he surely would not have taken the case, if he did not think that I was in the right and that he could win. You act as if the case were a private quarrel. It isn't. The trial

hinges on a crime, and the crime should be made public."

"But you should have no hand in the matter," Mingo urged. "You yourself admitted that your convictions as to his guilt were wavering."

"My convictions can decide nothing," said the baroness. "The jury is there to mete out justice. The case is a simple case of justice. I don't want to force one issue which is not in perfect accord with justice."

"O mama, mama!" cried Mingo. "You give the appearance of wanting to wrest that fortune from him, and it just wasn't intended for you."

The baroness was obviously insulted. "A child brought up in luxury never thinks about where luxury comes from," she said. "It is easy for you not to think of money. If I have any claim to the fortune, it would be ridiculous for me to renounce it. This trial will decide whether I have a just claim to it; that is, whether Deruga has no claim and I have some chance of establishing mine. There will still be time enough to decide later whether I should start suit for the estate."

"But in the meantime you surely might tell your lawyer to drop his investigations," Mingo pleaded.

"I shall have a talk with him," said the baroness,

relenting, "and hear what he has to say. If he considers Deruga innocent, I shall be the first to rejoice. It is neither for you nor for me to consult personal desires in this affair."

XI

THE day after Gabussi left, Mr. Fein visited his client, whom he found alone, in a cold room. He had opened the window because the small iron stove threw off too much heat, and had forgotten to close it after the room had long since grown cold. Occasionally the wind blew in drops of rain. But the lonely soul was lost in his grief and stared fixedly at nothing.

"So your friend went back home," said the lawyer. "That's too bad; you evidently are feeling very low."

"I'm very glad he's gone," Deruga replied. "Gabussi is the best friend in the world, but there are times when he stands in my way. He can stay sober his whole life long; I must occasionally get drunk."

"So?" said the lawyer, who had meanwhile closed the window and seated himself. "And you have decided that right now is a suitable time for your saturnalia?"

Deruga shrugged his shoulders. "I go by the calendar that each one of us carries in his own body."

"Have it your own way," the lawyer answered. "Something quite different brought me here. Do you know a Mrs. Valeska Durich of Prague?"

"Yes," he said, "a creature made up of stupidity and amorous inclinations."

"You ought to know," the lawyer replied, "because she seems to have amorous inclinations towards you."

"Don't blame me," said Deruga. "If you should spend a half hour with her and should treat her somewhat rudely, she'd fall in love with you, too."

"Well, we shall see," Fein answered. "She wants to come here."

Deruga laughed loudly and then grew angry. What did the silly thing want? The lawyer should write to her that he, Deruga, was under judicial examination and could have nothing to do with her, nor did he want to see her.

"It would get there too late, I'm afraid," responded the lawyer. "She's set on testifying that you were with her from the evening of October first till the afternoon of the third. She might furnish you with an alibi."

"Are you serious?" said Deruga, pricking up his ears. "The stupid girl wants to do that? Well, that's

quite all right. There's no better way of untying the knot."

"I'm not so sure," the lawyer observed thoughtfully. "To perjure oneself deliberately is no small matter."

"That's her affair," said Deruga vehemently. "My God! What petty quibbling! There are lies much more decent than many a truth. Anyway, that's her affair. I have endured so much from her; why shouldn't she do me the favor?"

"Naturally," said the lawyer. "It's all right if she can manage it without doing herself harm."

"Your sudden scruples are marvelous," Deruga replied sharply. "It's your fault that I find myself in this situation. If I had followed my own inclinations, it would be all over, one way or another. Now that we have found a way which you think would get me out of this trial, you make moral observations." He was red with rage, and glared at his lawyer, who contemplated him thoughtfully.

"I had to be perfectly certain," said he, "about how you would take a new turn of affairs. Done, if you agree! Did you really have anything to do with the lady?"

"With her? I?" said Deruga. "She had something

to do with me! She plagued me with her attentions. Moreover, if you think she's a self-sacrificing heroine, you're wrong. She's too stupid to realize the consequences of her action, and so infatuated that any means of winning me would suit her."

"But that's where she's making a mistake," the lawyer added.

"Of course," said Deruga sharply. "Did you think I'd marry her out of gratitude?"

"Oh, no," the lawyer replied, "you'll aim much higher now."

"Now?" Deruga repeated, irritably. "What do you mean by that? How dare you? Do you think that you can say whatever you like because I have been charged with crime and outlawed? I certainly think too much of myself to throw away my life on such a stupid and common wench. I can't stand women anyway."

"There are exceptions," said the lawyer, coolly.

"You're right," Deruga continued, his temper rising. "For instance, Baroness Truschkowitz is an exception. She is avaricious, vain, selfish; but at the same time clever, sophisticated, and completely amoral. That's the way females should be, so that one can enjoy talking with them."

"A matter of taste," said the lawyer. "She'd never perjure herself for you."

"No, she's neither impulsive nor fawning," Deruga replied, "and I don't like fawners. What do you care about Valeska? Let her ruin herself if she wants to! You're to worry about me."

"That I do," said the lawyer, "and I'm in doubt as to whether it would be honorable of you to accept such a sacrifice."

Deruga laughed scornfully. "One of the pompous words," said he, "which you use in your business. Honor, morality, idealism, God, immortality, they're all stage terms. No one needs to offer you thirty pieces of silver to betray your Lord. Anyway, who says that Valeska is perjuring herself? How do you know that I wasn't with her?"

The lawyer rose to go. "Enough for to-day," he said. "But I gather that this is not your last word on the subject."

"And I beg you," said Deruga, "not to bring the matter up again, if you want to keep my friendship. Neither of us is Valeska's guardian. You'll do well to accustom yourself to the idea that she was frivolous enough to entertain me from the first to the third of October last year."

XII

THE baroness had invited Peter Hase to lunch, to meet her daughter. The meal was served in a small, comfortable room, the walls of which were decorated with flowers of extravagant splendor, painted white, black, and gold.

The baroness smilingly told her guest that he was entirely unknown to her daughter.

"My daughter," she said, "has inherited from her father a certain carelessness in regard to literature, a certain lack of imagination."

"I should like to call it good taste," said Peter Hase, "for youth and books do not belong together. And perhaps the baron has the point of view of the oldsters, who despise authors, regarding them as liars."

"I am not sufficiently well-read to judge," said the baron, "but this much is true: I like to read the newspapers because they print only the truth."

"O papa," Mingo objected laughingly, "the newspapers are just the ones that lie the most."

"The newspapers are perhaps the most interesting of modern epics," Peter Hase said. "And without doubt life is the most beautiful of poems."

The baroness shook her head in disbelief. "I believe," she said, "that even in life you seldom find great talents in people. Few people live a fine, full life. Most people find life commonplace, petty, boring, and very tiresome."

"Desultory readers do," said Peter Hase. "You must immerse yourself in it."

"Oh, it isn't worth the trouble," the baroness replied. "And where it might be worth the trouble, it's disgusting. Take the case of the mysterious lady who seems suddenly to be giving our trial a new turn."

"The lady seemed to be commonplace, rather than mysterious," said Peter Hase. "A vegetating creature, good-natured, weak, indolent, but with a propensity for the heroic, such as primitive women often have."

Mingo, who had been taking no part in the conversation, looked up quickly with a deep blush, and asked, "Who is the lady, and why was she there?"

"She is the lady who testified that Mr. Deruga was with her during the fateful October days, and that he consequently could not have committed the deed of which he is accused," Peter Hase explained. He

spoke with reserve, as he considered the subject unsuitable for pleasant conversation, and especially improper for discussion with a young lady.

"You see, mama," cried Mingo, triumphantly. "But who is the lady? Why should he spend so long a time with her? Is he a friend of hers?"

"Well, unmarried men often have relations with certain women, women of a lower station in life," the baroness explained. "For them, such a relationship takes the place of family life. And they prefer uneducated, unpretentious women because they can let themselves go in their company. To let themselves go, is a fundamental need of men."

"I should call it a natural defense mechanism," said Peter Hase, "which is especially necessary for a cultured man as a release for his pent-up energy. But unfortunately the cultivated man is the very one who finds it more and more difficult to let himself go, until his suppressed desires at last express themselves in insanity."

Mingo's face showed that she neither understood nor was interested in this observation. "Who was the woman?" she asked again, turning to Peter Hase. "Was she entirely uneducated? Was she a poor woman?"

"No, no indeed," said Peter Haše, seriously and protectively. "Her father used to be janitor of a boys' school, and she, as it seems, was surrounded in childhood with questionable influences. She apparently clings pitifully to what she considers culture; whenever it was possible, she emphasized her love of nature, of everything good, beautiful, and true, as it were. She spoke of the friendship between herself and Deruga in carefully chosen phrases. She did not use the word 'love,' or 'love affair' in her testimony. I had the impression that she felt it necessary to give her life a background of beauty and individuality as far as she understood the terms."

The baroness shrugged her shoulders impatiently, and the baron tried to turn the talk to other channels by saying that similar traits of character could be found in the light women of every country. He told all sorts of stories of Japan, China, India, and other countries in which he had traveled. He had been far and wide in his youth, he said, but finally he had discovered that Paris was the best place in which to live.

"Oh, yes, Paris is always the known quantity, more or less," said the baroness with a suppressed sigh and a sly expression which suited her admirably.

Peter Hase claimed to be very fond of Paris. He was on the point of going there for a short visit, when Deruga's trial had detained him.

"This person seems to have a rare power of attraction," said the baroness.

Peter Hase glanced casually at Mingo, in order to see how the remark would affect her. Her eyes were wide with interest and she looked at him tensely. He replied, "One so seldom meets a completely natural person in civilized society, like Deruga; a child, in the body and garb of a man."

"You perhaps would like to use him in a novel," the baroness jeered.

"Hardly," Peter Hase replied, seriously. "He is much too inconsistent for the fabric of literature, where everything must have a purpose and every character a well-defined plan of action."

"*Declared Innocent*," continued the baroness. "That would be an attractive title; don't you think so?"

"It won't come to a decision," said Peter Hase, with conviction. "They'll let the matter slide in some way. I have concluded from a study of Deruga's character, that he will have many colorful episodes in his life, but no great, tragic, soul-stirring ones."

"Do you hear, mama?" cried Mingo. "Mr. Hase is convinced of his innocence, too. Every one is. You owe it to yourself not to undertake anything further against him."

"I have already told you," interrupted the baroness, "that I will talk it over with my lawyer. His case has really nothing to do with me. As a matter of fact, I am sorry now that I was weak enough to let myself be drawn into the affair. It did not enter my mind that my lawyer was intent on getting into the public eye by a sensational trial. He misrepresented it to me. He said it was my duty to bring a crime to light of day, and then he used me as a means for getting publicity for himself."

The baroness had scarcely said the words, when the waiter announced Dr. Bernburger, whom she had summoned to the hotel for a conference.

"How awkward!" said the baroness, hesitantly. Peter Hase rose to leave. No, she said, he was not to leave under any circumstances; they had not even had their coffee. As a matter of fact, she was glad that she would not have to carry on the conversation alone; she hated business matters, anyway, and this affair she cordially detested.

As the lawyer entered the room she greeted him

with a haughty nod, which she attempted to make somewhat more cordial when she noticed that he could read her thoughts and was laughing at her. She explained that her guest knew what they were going to discuss, and that his presence was not disturbing; and said with a distant air, "The affair is turning out differently, Dr. Bernburger, from the way you led me to believe it would."

"I rate your self-confidence too highly, madame," replied the lawyer, "to try to lead you to believe anything."

"Very well," said the baroness, reluctantly. "At least, you described the probable proceedings to me as convincingly as . . ."

"As you could wish them," Dr. Bernburger interrupted, with a smile. "I am as convinced of the outcome of the trial to-day as I was then."

"And the new witness?" the baroness asked.

"An infatuated woman," said Dr. Bernburger contemptuously, "who wants to acquire merit in the eyes of the man she loves. She is not in the least important and was not even sworn in, because the court did not consider her word worth believing from the very beginning, in view of her relationship with the defendant. Furthermore, we most likely could find wit-

nesses who would testify that she was not telling the truth."

"No, mama," cried Mingo, jumping up in obvious indignation, "don't have anything to do with it. This espionage and baiting is unworthy of you. I can't bear to let you have anything to do with it."

Dr. Bernburger looked through his glasses at the young girl with an amused smile. "If the criminal did not walk through dark alleys," he said, "we should not have to trail him through dark alleys. The method of the criminal determines the method of the man who must unmask him. If a thief runs off with your purse, and you want it back, you must run after him, or let someone else run after him for you."

"I never ask any one to do anything for me which I think I myself am above doing," said Mingo, with hostility. "Furthermore, no one has run off with our purse."

"Don't meddle in this matter, child," said the baroness rebukingly. "You know so little about it that you are no fit judge. Meanwhile I have the feeling," she turned to Dr. Bernburger, "that we are not playing a very pleasant rôle in this affair."

"It depends on the ultimate issue," said Dr. Bernburger. "And as I have already told you, up to the

present my convictions have been borne out. It seems to me that I have experienced the events myself. I could play his part in a drama."

"Then why don't you?" cried the baroness, irritably. "I believe public opinion in general is turning to favor the defendant."

"Dr. Deruga obviously has a way with the ladies," Dr. Bernburger replied, "in whose eyes a man can easily win favor by being suspected of crime. Furthermore, many people make the mistake of thinking a criminal must be especially marked by nature. That he must look coarse, brutal, common, they take for granted. They don't stop to think that the reason for most crimes lies in the weakness of the criminal, who cannot resist his impulses; and they forget how important a rôle chance plays. It is not without reason that in times gone by, many criminals themselves believed the devil had prompted them."

The baron considered such notions dangerous, because they almost robbed one of the courage to follow the criminal and punish him.

The lawyer shrugged his shoulders. "If we stopped doing that," he said, "we should have left only the impulses to do wrong, and all restraint would fall away. It is most likely best for every one to do his

duty as he sees it, without reserving scruples about results and hidden motives. Lawyer Fein will firmly present witnesses for the defendant; now he is playing out a professor who lived for a time in the same house with Deruga and his wife, and who, it seems, will corroborate the fact, the well-known fact, that Deruga is a so-called good chap from whom one would expect rashness, to be sure, but not premeditated evil. I should not be doing my duty, if I did not take pains to find witnesses for our side, and I still hope that I shall be fortunate enough to find conclusive evidence. I am on the track of something which I prefer not to discuss until I am sure of it myself."

Mingo looked at Dr. Bernburger with unconcealed aversion. "But that's not for you to do, mama," she said in a beseeching, yet commanding tone of voice. "Don't let him do it"

"Please, don't interfere," said the baroness in annoyance. "Leave the room, if you can't control yourself! Neither you nor I have any personal interest in the proceedings; on the contrary, only an objective point of view. The only thing we want to establish is the truth."

"But I have a personal interest," cried Mingo pas-

sionately. "I know he's innocent. In spite of all evidence to the contrary, he is innocent, and better than we are." Her voice shook, and she was near to tears.

The baron and Peter Hase had risen at the same time, as if to protect her. The baron proposed that they take a walk, since it was a good idea to take advantage of the daylight in the short days of spring. Dr. Bernburger had the feeling of being invited to leave in disgrace and out of favor. The bitterness which was brewing in his vitals turned to vengeful hatred of Deruga. As far as the baroness was concerned, his dearest wish was to prove to her that he was right.

XIII

"WE became acquainted with Deruga," Professor Vondermuehl related, "when we lived in the same house with the Derugas. Shortly after they moved in, my wife was seized with stomach cramps one night, and in order to obtain relief for her as soon as possible, I went upstairs and begged Deruga to attend her. He showed a charming willingness, and his wife offered to do anything she could, too. After that we saw much of one another and grew to be close friends, until the Derugas lost their little girl and shortly after, were divorced."

"Did you ever notice any disagreements between the two?" the judge asked.

"My wife was under the impression that they were not well mated, although they loved each other. In spite of his sociability, Deruga had a difficult, restless temperament, which should have been restrained; his wife did not care to do that. She was gentle and affectionate, the clinging-vine type. Their differences probably grew more pronounced after the death of the child."

"Did they ever quarrel in your presence?" the judge asked.

"One evening after supper," continued the professor, "my wife and I were sitting on our balcony, which extended out from the living-room, facing the garden. The door to Deruga's living-room, directly over ours, must have been open, for we could hear their voices, and hear how their conversation gradually turned into a quarrel. We laughed about it at the time, and my wife said, 'That terrible man, there's the devil coming out in him again'—an expression which she used in describing certain moods of Deruga. She proposed that we pay them a visit, to interrupt the quarrel for the woman's sake. But I was against the idea, because I did not want to meddle in a family quarrel. Or perhaps it was because I was too comfortable where I was. I do not recollect exactly. We were still arguing about it, when we heard Mrs. Deruga scream. It was a scream of terror, of pain, of fear. At that my wife jumped up and ran to the floor above as fast as she could. It was difficult for me to keep up with her. When I arrived there, breathless, Ursula, the maid, had already opened the door for my wife and greeted us joyfully. She

was glad that her master and mistress would no longer be alone.

"Deruga met us with his customary cordiality, without a trace of embarrassment or ill-humor, except that he ventured a few remarks, such as: 'The beauty of matrimony! A man should ponder marriage more carefully than suicide!' and other expressions of the same sort. My wife, who was very temperamental and absolutely fearless, stood directly in front of him and said reproachfully: 'We women at least ought to be more careful. Your wife in particular did not stop to think before she entrusted her life to such a ruthless tyrant as you are. Just because your wife is too good for you, you make a hullabaloo! You have a devil inside of you who can't endure happiness and peace, but must always have the smell of sulphur and the fires of hell about him.' Deruga liked to hear my wife give him moral lectures, because he felt that she was motivated by a true feeling of friendship; and she, in turn, always accepted his self-justifications in the spirit in which they were given. This time he seemed to be sorry for his vehemence, and said in a comparatively quiet voice, 'I admit that my wife is dear and gentle, but I curse and hate this damned gentleness. If she loved me as she should and could,

she would strike at me like a snake and tell me that I am a monster; she would either throw herself in my arms or choke the life out of me. If I were a leprous old woman or a dying dog, she'd treat me with the same love and gentleness. It drives me to frenzy.' The poor woman, if I remember correctly, looked at him with wide-open eyes and said as angrily as she could, 'But I just said you were a monster!' At that we all laughed. He put his arms around her and held her hand in his while he explained to her that this was not what he meant."

"You mentioned before," the judge interrupted, "that Mrs. Deruga had screamed. Did she scream because she was afraid of him, or because he had struck her?"

"The matter was not discussed," said the professor. "I imagine that he took hold of her roughly. She seemed to be pale and upset. When we wanted to leave after an hour's chat, my wife asked her if we should leave her alone with the fiend. To this she replied laughingly. 'Vulcan has spit enough fire for to-day.' She said it quite naïvely, and Deruga laughed. My wife could not go to sleep for a long while, because she felt so uneasy, but I managed to quiet her fears by telling her that she was taking the

whole affair too seriously, since Deruga had just proved his love for his wife."

"Did you ever hear the particular reasons," asked the judge, "for the defendant's spells of rage towards his wife? Was he quarrelsome by temperament?"

"Deruga occasionally hinted," the professor explained, "that he had reason to be jealous of his wife. He was jealous of a man to whom his wife had felt attracted before she was married, whom she could not marry, however, as he already had a wife. When this man's wife died, Deruga's jealousy and suspicions seemed to grow so intense that he made his wife's life miserable. Many of us thought that she divorced him in order to marry the other man. This, however, was not the case, because she did not marry again, as we all know."

"Do you consider it possible," asked the judge, "that she did not marry because she feared the defendant's wrath? Do you think he may have threatened her with consequences if she married the man?"

"It is possible," said the professor, after a little thought, "but I cannot be sure. My wife could have answered your question, as she was a close friend of Mrs. Deruga's and spent much time with her. She used to tell me everything in great detail, but I have

a poor memory for such matters. I know that Mrs. Deruga for a time had every intention of marrying the other man, but she changed her mind. The man in question married another woman, but is said to have been unhappy. He died a few years ago."

Dr. Zeunemann remarked that the professor's testimony indicated that his wife seemed to cherish the friendship more than he did; perhaps there was little sympathy lost between him and Deruga.

"No, no," said the professor, "that was not at all the case. He was not interested in my scientific studies, and I am not given to losing myself in profundities, in the development of hypotheses and paradoxes, in imagining the impossible. I was much too matter-of-fact for the grotesque play of his imagination. He interested me, but as a matter of fact, I did not know how to take him. And I was very busy at the time. That is why my wife associated more with them. She was about their age, too. She was much younger than I, and yet she had to die before my time."

The judge asked whether his wife had corresponded with Mrs. Deruga after the Derugas had moved away.

There had been letters from Mrs. Deruga, said the professor, but he had burned them after his wife's death, to keep them from falling into the hands of

strangers. He had glanced through them before he destroyed them, and remembered one letter in which she had written that the peace of mind and happiness which she had expected after leaving her husband had not materialized.

" 'I often find myself,' she wrote something of the sort, 'standing still and looking into the past, instead of looking forward, into the future. Is that a mark of age? Oh, no, how could I expect to live anywhere but where my child was, in the past! For me there is no future.' This passage impressed me because at the time, after the death of my wife, I myself began to look into the past instead of into the future, and this affected me."

This passage in the letter, said the judge, did not indicate that the dead woman was desirous of a second marriage and was only deterred by fear of the defendant.

"I should like to add the following," said the professor. "It might be possible to infer, from other written and oral remarks, that Mrs. Deruga cherished this desire and was deterred by this fear. But if one had ever so many proofs that Deruga was dangerous at the time, I doubt very much whether he could be connected with the murder which took place after a

lapse of so many years. It is true that the deeds of men are links in an unending chain, evident to the eye of God alone; but must we mortals not err, when we attempt to thread our way out of the labyrinth?"

The judge was lost in thought, while the prosecuting attorney bowed his head with critical grimaces. Then Dr. Zeunemann put the final question to the professor: Did he know of other reasons for the Deruga divorce?

"My wife knew," the professor related, "that Mrs. Deruga considered her husband partly to blame for the little girl's death, and therefore she felt a morbid hatred towards him. The truth of the matter was that Deruga insisted upon discipline and a Spartan training for the child, while his wife was inclined to coddle her. This difference of opinion often led to quarrels. But since she was sensible, she could not blind herself to the fact that Deruga loved the child as much as she loved her, and sorrowed over her loss as deeply as she sorrowed. She tried to wean herself from her unjust aversion to him, in which task my wife aided her with all the ardor of her being. Therefore I cannot believe that this feeling prompted her to sue for divorce, although it might have been an added inducement."

A quarrel now arose between the lawyers over the prosecuting attorney's suggestion that Miss Schwertfeger be recalled to testify as to whether she could throw any light on Mrs. Swieter's projected marriage which was never consummated. Mr. Fein declared such testimony a waste of time. Dr. Zeunemann agreed, and said that further unimportant particulars would only delay the trial. Most likely further instances of Deruga's peculiar inability to maintain his poise could be introduced. This was not the matter under discussion; the problem was to determine what he was doing from the first to the third of October. On this point Miss Schwertfeger would have nothing further to say.

"Our task is to solve the problem, not to obscure it," said the judge. "I strongly urge the gentlemen to confine themselves to the facts of the case."

"What facts of the case?" asked the prosecuting attorney, jumping up from his chair so suddenly that the judge had no answer ready.

"Facts that have a direct bearing on the murder," Dr. Zeunemann replied, after a pause. "Because the immediate facts are lacking, immaterial matters are introduced and exaggerated. A man in love is inclined to threaten his sweetheart with death, should she be

untrue to him. The circumstance itself is a matter of no importance. Threats of this sort mean no more than vows of eternal love."

"That depends on the outcome," said the prosecuting attorney. "Furthermore, we should prefer to have all the facts laid on the table; but since the defendant, who could give them to us, does not do so, there is nothing left for us to do but to examine the soil from which these deeds have sprung, namely, the character of the man."

"The defendant does not give us the facts?" began the lawyer for the defense. But Dr. Zeunemann ordered them to stop their bickering, and commanded Miss Schwertfeger to answer a few more questions.

Miss Schwertfeger, who seemed to be paler and sicklier than she was on the first day, hesitatingly approached the witness stand, and asked if she were obliged to disclose essentially private matters. She could not think of doing it, she added.

"Where the public weal is concerned, the private life of people is always bound up with their public life," said Dr. Zeunemann, instructing her gently. "We shall ask you for only such facts in regard to your friend's private life as may be of public interest. Before Mrs. Swieter married the defendant, she had a

friendly regard for a certain man. This relationship she subsequently broke off, as it could not lead to marriage, and she had no correspondence with the man as long as she was married to the defendant."

"Of course not," said Miss Schwertfeger proudly. "They did not see each other again until Mrs. Swieter settled in Munich, after her divorce."

"Then their old infatuation renewed itself, and the reunited pair decided to marry. Is that correct?" asked Dr. Zeunemann.

"Yes," she answered, curtly.

"Why did they not act on this decision?" the judge asked. "Since you were the dearest friend of the dead woman, you no doubt know why."

"My friend was not in the habit of telling me her innermost thoughts," Miss Schwertfeger replied. "And it is not a habit of mine to tell secrets. My friend was very much upset at the time and contradicted herself frequently. Once she told me, with tears in her eyes, that her old love was as strong as ever; but when she wanted to throw herself in her sweetheart's arms, the image of her husband and child came between them, and this figment of her imagination was stronger than a stone wall."

"Did you construe this as fear of her husband's

vengeance?" Dr. Zeunemann asked. "Or was it a memory of the past, stepping between her and her new happiness?"

"At the time I thought it was Dr. Deruga's fault that my friend did not marry the man she loved. I was very, very sorry that she did not marry him. I knew the man much better than I knew Dr. Deruga, and I had a kindlier feeling for him, chiefly because I thought he would take good care of my friend."

"If you knew the gentleman in question," Dr. Zeunemann inquired, "you perhaps discussed the matter with him and know how he explained it?"

"He told me," said Miss Schwertfeger, with a sullen look, "that Mrs. Swieter was afraid Deruga would kill him, if they married. It may be that he wanted to believe this interpretation of her actions, because it hurt his pride the least. He was proud and had a lust for power."

"If your friend loved him so very much," said Dr. Zeunemann, "the reason which restrained her from marrying him must have been very strong."

"Naturally," Miss Schwertfeger replied. "She sufferd very much at the time, too. She conquered her feelings, however, and told me later, that she was sure she had done the right thing."

It was evening when Dr. Bernburger returned home, completely exhausted. He threw himself down on his shabby, second-hand divan, and looked about, shivering, for something to throw over himself. It was colder inside than out, but he was so economical that he never lighted his fire in the evening if he could help it. In addition, he felt too exhausted and morose to stir. Discontentedly he scrutinized the one, bare room of the second-class hotel which was his home, and wondered why he should long for pleasant, comfortable surroundings, when he obviously would never be able to afford them. He decided to go to a café for warmth and companionship. But at his door he found a little, withered old woman, who was hunting for the bell. She asked him where the lawyer lived. He himself was the lawyer, said Dr. Bernburger; office hours were over, however, and she should come the next day. The little woman explained that she could not, as she was employed during the day as a laundress. Her husband had deserted her, and she was the sole support of her children. She was just coming from work, she said, and merely came up because Mr. Toenepoehl in the basement had sent her.

The bare mention of the name "Toenepoehl" sent

the blood rushing to the lawyer's face. He turned back to his room with the little woman. As he turned on the light, he asked her to be seated and to tell him what had brought her there. Since she was still standing bashfully at the door, he himself brought up a chair and relieved her of her large basket. She smiled in embarrassment and began her story:

Yesterday she had come to Mr. Toenepoehl, the second-hand man in the basement, to buy a pair of shoes for her oldest boy. One pair in particular had pleased her because they were just about the right size; but they were too expensive. So she had told Mr. Toenepoehl that she had her late husband's working clothes—ever since he had left her she referred to him as her "late husband"—and the suit looked like new. Would he take it in trade? Mr. Toenepoehl had rudely said, since he was very haughty towards poor people, anyway, that he had no buyers for such odds and ends. Then his wife, who was rummaging around in an old chest, had screamed at him that he should not be such a booby, as Dr. Bernburger had promised him a good sum for a suit of old working clothes; and that he, the man, had faithfully agreed to look around for it, and now any one could see what a wind-bag he was. Then Mr. Toenepoehl had

begun to scold and had said that she was more stupid than a herring. Dr. Bernburger would throw the suit at his head, because he wanted one that had been found on the street. As a matter of fact, the old suit which she was talking about had not been her late husband's at all, but one which she had found; but on account of Mr. Toenepoehl's rudeness she had not trusted herself to tell him. She was afraid that he would make a great fuss about it and declare that she had stolen it.

So she had gone away, but had stopped at the door to gossip with Mrs. Toenepoehl and had asked her who Dr. Bernburger was. Mrs. Toenepoehl had told her everything about the important court trial, and had said that she could earn a good bit of money if she brought in the right suit. So she thought she would bring the clothes to Dr. Bernburger, for he would not do her any harm, since she had come simply because the suit was so important to him.

Of course, Dr. Bernburger replied, he was grateful to her. He would pay her for her trouble whether or not he could use the suit. She was a brave little woman and should start at the beginning and tell him how she happened to have the suit in her possession.

It was the third of October, the woman related. She

remembered it well, because on that day she had left home early, before five o'clock. Mrs. Steinhager had asked her to come an hour earlier and to stay an hour or two later to do the washing in one day, if possible, because she had been invited out the next day, and it was so inconvenient on washing or ironing day. Well, since Mrs. Steinhager was a good woman, she had promised that she would, and so she had been walking along near the railroad station before five in the morning, before any one else was up and about. The wind was blowing hard, and the dry autumn leaves were flying about her head like bats.

As she was crossing the bridge, she had to stand still for a moment, because the wind was blowing against her so strong, and then she saw something black about one hundred feet up the shore. At first she had thought it was a child or a dog, because it seemed to have arms or legs stretched out, and she had run there quickly. But it was only a suit tied up in a bundle. Presumably it had been done up in paper, but the water had soaked through and had washed most of the wrapping away. She had untied the suit and wrung it out, and she decided to take it with her. The person to whom it belonged must have thrown it away, and perhaps her late husband could

use it, in case he should come back, or her oldest boy, when he was grown up. Did Dr. Bernburger think she had done wrong?

She looked at him, her tense brown eyes peering out of her wrinkled face like two steady little night lamps.

No indeed, said Dr. Bernburger, many a rich, respected man would be happy to have nothing more than that on his conscience. Such things which one found were called "unclaimed goods." She had done right, she was an honest little woman. Of course she had the suit in her basket?

Yes, said the little woman, she had brought it with her, so that she would not have to come again. For it was out of the way for her, and her children usually waited impatiently for her homecoming every evening.

She took a package out of the basket, and Dr. Bernburger unfolded the suit.

"You know," he said, "I shall buy the suit from you, whether or not it's the right one. Are you satisfied with ten dollars on account? You shall have more, if it turns out to be the one I'm looking for."

The little woman reddened for joy. Now she could

buy those good-looking shoes for her oldest boy, she said.

Dr. Bernburger called down the stairs after her, telling her to say nothing about the transaction.

Dr. Bernburger returned to his room in a state of great excitement. He no longer felt the cold or the barrenness of the room. His reasoning had been correct! Luck was with him! How surprised they would be when he solved the puzzle for them, and at the same time showed them the proof! Could they still doubt him, in the face of this evidence? Perhaps there was still some tag or label on the suit which would show where it had been bought. On careful examination the suit showed nothing of the sort.

While Dr. Bernburger was turning the coat this way and that, he discovered a side pocket, buttoned up; he opened it, inserted his hand, and drew out an envelope, which carried an address partly deleted by water, but still legible. He read "Dr. S. E. Deruga," the street number, and the town.

In spite of the fact that the letter merely confirmed his expectations, he was not only surprised, but even shocked. He stared at the letter as if turned to stone, as if it were the delusion of an inflamed imagination. But it was a reality—the magic key which would

open the door to wealth and professional standing. He could feel a letter inside the envelope, but he still hesitated to open it and read what was written. To his own annoyance his heart was pounding. Why the excitement? He forced himself to break the painful suspense, opened the envelope, and read. The letter ran:

"Dodo, dear Dodo, I am on my deathbed and I must die, but before that I must suffer terribly and I have no one who will help me. You are the only one who loves me enough to kill me. Come and release your poor Marmotta, who, as you know, is so afraid of pain. This is the first word I have written you in seventeen years, and it is a plea. O Dodo, I should not dare to ask such a favor of any one but you. Come soon, you will know best how to relieve me. No living soul shall know that I wrote you.

Your MARMOTTA."

Dr. Bernburger read the letter. He read it again. He felt exhausted and weary. Was this letter a ruse, a scheme thought up *post facto?* Was Deruga playing into his hands? On close examination, he realized that it was not a fraud. He put it back in the envelope and placed it in his pocketbook. Then he took his hat

and coat and started for the café. When he had come to within a few feet of the restaurant where he usually dined, he turned around and looked for another place, where he would not be approached by acquaintances; he knew that he looked distracted, and he did not want to be observed.

While he ate, he wondered why he did not throw the letter into the little iron stove a few steps distant. In a trice the hasty flames would have destroyed the fatal evidence for ever. He had no intention of doing so, but his imagination was so vivid, that he was afraid he would not be able to keep from doing it.

How stupid, he thought, that he had given the old woman ten dollars for placing him in this painful position! Could he persuade himself to make use of the suit and suppress the fact that there had been a letter? If he could, he was sure of the baroness's admiration and gratitude. What satisfaction it would give him, to prove his keenness of intellect, his perfect reasoning! But what would she say if he showed her the letter? 'You promised me that you would unmask Deruga as a criminal, and you provide him with a halo instead! You're a man of your word!' Perhaps she would forbid him to make use of the

letter. In the end, that would be the easiest solution for him. And how would Deruga comport himself? Dr. Bernburger could not understand why he had suppressed the true facts of the case. Had he told his own lawyer nothing about it?

Suddenly he was overwhelmed with the desire to go to the place where the washwoman had found the suit; in any case, he could stay in the restaurant no longer, nor could he sleep. It took him nearly an hour to reach the bridge which spanned the canal. The snow that had fallen the night before had melted and turned into mud; in the darkness he could hear the slush sloughing under his feet. The wooden bridge was slippery, and the stream was high; the black waters flowed on in mysterious haste. After a time he faintly discerned the thick, spreading roots of an ancient elm, which clung to the bank near by; it was there, most likely, that the bundle of clothing had been carried by the current.

For a long while Dr. Bernburger stared at the spot; then he went on his way. Several paces brought him in front of a semicircular stone bench, from which one had a charming view, in pleasant seasons of the year, of meadows stretching out into the distance. Perhaps, he thought, Deruga had sat here that Oc-

tober night and, after changing his clothes, had awaited the hour for the train to leave, to take him home. Perhaps he had been torn in spirit and completely exhausted, and had rested here, where no one could see him. Unconsciously Dr. Bernburger waded through the soft mud and sat down on the stone bench, without noticing how wet and cold it was. What had Deruga felt? What had he been thinking of, after he had once more seen and then left forever the woman whom he had loved and hated in turn? What memories played about him with the rustling of the leaves?

While he sat there, lost in thought, a sudden cold shower of rain descended, and he arose and walked quickly towards the city, looking neither to right nor to left.

XIV

THE next morning Dr. Bernburger was so exhausted that he pleaded illness and remained away from the court room. After he had telephoned his excuses, he went back to bed, hoping that he might fall asleep.

The ringing of the telephone awakened him, and with a decided feeling of weariness he pretended that it did not matter. But when it began anew, he got up with a sigh to find out what the trouble was. He at once recognized the baroness's voice; the telephone gave it an overtone of shrillness.

"Are you ill?" she asked. How very awkward of him! She was on the point of leaving town, and for this reason it was especially necessary that he attend the trial.

Bernburger replied that he did not choose to be ill for his own pleasure. His illness surely was not so serious, said the baroness, but that he could come to the hotel for a quarter of an hour. She must see him before she left town.

He was sorry, Bernburger answered, but he was sick in bed.

"But you're not in bed, Dr. Bernburger; you're at the telephone," said the baroness, with a seductive little laugh which he knew from previous encounters.

"Well, good God, I'll come, if you insist," he cried, angry with himself and with her.

"That's right, doctor," the voice answered. "You can take a cab, you know."

"You don't look at all ill, doctor," was the baroness's greeting. "My husband and I suddenly decided to go to Paris," she continued, "since the terrible trial, as I have already told you, has affected me so."

"Your daughter's attitude," said Dr. Bernburger, with intentional audacity, "must make it very hard for you."

The baroness blushed. "You know," she said, "that I am not swayed by a child's decision. My daughter will accompany us."

"I envy you the change of scene," Dr. Bernburger replied.

"Yes, spring is unendurable in Germany," said the baroness. "Perhaps that's exactly why it is al-

ways sung by German poets; one always praises what one does not know."

"Never to know each other would seem to be the secret of a happy marriage then," answered Dr. Bernburger. "But I see that my weakness makes me too talkative," he added in a gentler tone. "What do you wish to tell me, madame?"

"I want to put the case up to your heart and conscience," she answered. "When we saw each other last, I did not know my own mind. I see now that I was wrong in insisting on attending the proceedings. The many details, the various testimonials, all the strong impressions are nerve wracking, if one is not used to lawsuits. Now I have decided to let the trial run its course without bothering about it, and I shall await the outcome. That it shall be decided justly is what the lawyers and the judges are there for."

"Yes, indeed," said Dr. Bernburger.

"But I can depend on you, can I not?" she asked. "Your illness won't last long? I should be very grateful to you, if you would let me know occasionally how matters stand. The last time I saw you, you told me you were on the verge of an important discovery."

Dr. Bernburger was staring at the baroness, and

at her last words he started. "I am sorry," he said with an effort, "but I must tell you that I feel it my duty to withdraw from the case."

The first reaction of the baroness was vexation. She was so angry that she could hardly exercise enough self-control to speak.

"That's unheard of, it's impossible!" she finally cried, glaring at him. "You want to withdraw from an embarrassing position into which you inveigled me. But I shan't let you. And you're using this illness of yours as a pretext; I see through your little ruse. It is the first step, and a dishonorable one, in leaving us, me, in the lurch."

Dr. Bernburger grew pale, but he remained calm and decided. "I really am ill," he said. "I'm not equal to the task. For your sake I'm retiring from the case."

"I thank you for your considerate sacrifice," the baroness replied scornfully. "But I do not accept your resignation. I rely on you in spite of your illness."

In the meantime Mingo, who was in the adjoining room, had heard her mother's angry, shrill voice. She entered and looked at the two quarreling people

with wondering, questioning eyes. Her presence unconsciously gave the young lawyer new courage.

"If I tell you the name and the nature of my illness, madame," he said, "you will understand me better. I am convinced that we are in the wrong. That's my malady."

"Isn't this rather sudden?" the baroness asked. "Two or three days ago you thought otherwise."

"One's eyes are sometimes opened quite suddenly," the doctor replied.

The words were hardly out of his mouth before Mingo seized his hot, moist hand, which she had heretofore avoided touching, and cried out, "O Dr. Bernburger, tell us everything! I thank you, and mama is as happy as I am, even if she does not admit it right away! How splendid of you to admit that you were wrong!"

She still held his hand in a tight clasp, and her eyes were full of tears. Her lips trembled. The baroness's tense features relaxed, too, although she attempted to maintain her composure and clearness of thought.

"Are you being honest with me, doctor?" she asked, with a degree of sternness. "That much I may expect of you. Is your change of mind due to psychic

impressions or to new facts which you have discovered?"

Not until then did she ask him to be seated; and when he was about to sit down, she offered him a more comfortable chair, with a smiling reference to his illness. "You must have a glass of wine, too," she added, as she motioned to Mingo to ring for it. "You really are quite indisposed, aren't you? I believe I was too hard on you a few minutes ago, but you brought it on yourself, by your insincerity and especially by your uncertainty. I believe that if you take into consideration the bad impression which you had of me, we're even."

When Dr. Bernburger had finished his story, Mingo's pale face was bathed in tears, which she made no effort to hide. She could not speak. Her mother showed no trace of emotion.

"Will you tell me, Dr. Bernburger, how this discovery of yours affects your attitude towards the case?" she asked. "What will the consequences be?"

"My attitude has changed completely," he replied. "But if you demand it, it is my duty to keep from mentioning my discovery."

"I shall make no such demand!" cried the baroness. "I never wanted anything but punishment for

a crime committed. What Mr. Deruga did seems to me to be a magnanimous deed. But I don't know how the court will regard it."

"The letter proves that Dr. Deruga killed his divorced wife at her own request, and his deed comes under the heading of 'Death at one's own request,' " the lawyer explained. "Presumably he will be sentenced to several years in prison. If he should be pronounced 'not guilty,' madame, you can bring suit for the estate, but with small chance of success."

A quick, deep blush mounted to the baroness's cheeks. "That's out of the question now," she said, with a dismissing movement of her hand. "Now I understand why my cousin made her will as she did. Everything that I have done was done because I did not know the true facts. I have you to thank, my dear doctor, for seeing my mistake in time."

Mingo still could not speak. When Dr. Bernburger had taken his leave, she fell in her mother's arms, and cried, "What a good man this insignificant Bernburger is! How I wronged him! And what lovely, sad eyes he has behind those spectacles of his!"

The baroness kissed Mingo on the forehead and said, "Mawkish eyes; it's a good thing for him that he wears spectacles."

XV

DR. ZEUNEMANN opened the hearing next day with surprising news: Dr. Bernburger, who had been commissioned by Baroness Truschkowitz to investigate her cousin's death, had collected several facts which would seem to give the trial a new turn. With the consent of the baroness he had asked permission to place them before the court.

This unexpected turn of events shocked even Deruga out of the bored state he had been in. His muscles involuntarily tightened as if for battle, when Dr. Bernburger stepped forward. Deruga expected a treacherous stab in the back.

"Your Honor and gentlemen of the jury," began Dr. Bernburger, "I have made an important discovery which I do not think should be kept from you for one hour, because it puts the obscure case with which you are concerned into the clear light of day. Gentlemen, I proceeded on the assumption that Deruga must have murdered Mrs. Swieter; first, because he was the only one who would profit at her death;

secondly, because he was the only one whose lot in life was closely and tragically linked with hers; and thirdly, because it seemed to me that without Mrs. Swieter's consent, or her maid's, or both their consents, no one could have entered the apartment. This opinion of mine was confirmed by the testimony of the witnesses. It differed only from the deposition of Mrs. Swieter's maid, in that I thought her the only one who could have opened the door for the murderer.

"I pictured the occurrence as follows: Either Mrs. Swieter had summoned her divorced husband to bid him farewell, or, what was more likely the case, he had looked her up to ask for money, and some unexpected turn in the conversation incited him to murder. Both suppositions were logical, for a peculiar relationship existed between the two, and Deruga has an unbridled temper. I took it for granted that he sent in his name or announced his presence by some signal known to them from days gone by. He would only have needed to call her name outside the window, to sing a tune, or to whistle. She would have recognized his voice.

"When Ursula told her story about the Slovak who had rung the bell about noon and had then disap-

peared, I was positive that he was Deruga. I imagined that he had waited somewhere in the house, presumably in the cellar, until Ursula left the house, was then let in by Mrs. Swieter, and left shortly before Ursula returned. On the way to the garden gate he met the janitor, who looked at him inquisitively and thereby made him conscious of the outrage he had committed, and instilled in him the fear of discovery. He wanted to appear guileless, and he could think of nothing better than to draw a cigarette from his pocket and to ask, 'Have you a light, your Honor?' But since he was not in the mood for smoking, and too excited to be consistent, he forgot himself and threw the cigarette he had just lighted into the bushes at the garden gate."

The public followed the story in rapt attention, as if they were hearing the incidents related for the first time. Attention was divided between Dr. Bernburger and Deruga, who did not think of hiding his face as usual by a screening hand.

"I was so firmly convinced that the Slovak must have been Deruga," Dr. Bernburger continued, "that I may say I knew it definitely. I followed him step by step from the time when he bought his ticket in the station at Prague. At that time he was wearing an

ordinary suit, presumably a frock coat, for if he had left home in a working-man's suit he would have been noticeable and would have attracted attention; he had the work suit in the package which he carried. Now the question was, where had he changed his clothes? Was it in the train? Somewhere in the railroad station? Or was it at night, out in the open? He must have chosen a spot where he could not only change his clothing, but also leave his regular suit, find it again later, and change back from the work clothes. He either took the work suit back home with him, or, more likely, threw it away or hid it somewhere en route. If the latter hypothesis was correct, then it could be found and sold to a second-hand dealer. In spite of my small chance for success in finding it, I took pains to ask for it in a great many second-hand shops.

"I received no useful information of any sort and had given up all hope of picking up any trail by this method, when an old woman called, who had accidentally heard about what I wanted in a second-hand shop. This woman, a washwoman, had been passing through the neighborhood of the railroad station shortly after five o'clock on the morning of October third, and from the bridge over the canal

she had seen something dark in the water. She at first thought it was some living thing. When she looked more closely, it turned out to be a suit of the sort that working men wear; it had caught on the roots of a tree. After she had wrung it out, she took it along as unclaimed goods."

With these words, Dr. Bernburger placed on the table the package which he had been holding under his arm, unwrapped it, and spread out the suit. The judges and the prosecuting attorney rose from their seats to examine it.

"The suit," Dr. Bernburger continued, "would have been only a clue. But this letter which I found in a buttoned side pocket of the jacket, proves that it belonged to the defendant. In spite of the fact that some of the writing is illegible, it can be read easily, and I beg permission to read it aloud."

His nervous tension grew more and more pronounced as he proceeded with his story. In reading the letter, his voice faltered several times. His hand shook as he laid the paper down after reading it.

"Hang it all!" With this expression Mr. Fein broke the ensuing silence.

Dr. Zeunemann meanwhile picked up the letter, held it close to his eyes, carefully examined the writ-

ing, the postmark, and the paper, and asked, "How do you think it was dispatched?"

"I'm sure Miss Schwertfeger can give us the necessary information," said Dr. Bernburger.

After another pause, the judge turned to Deruga and asked him if he had anything to say to Dr. Bernburger's story.

Deruga mutely shook his head, without looking up.

"We should like to have you corroborate Dr. Bernburger's story," began Dr. Zeunemann anew, "or correct it."

But before he had time to finish the sentence, the prosecuting attorney interrupted him, pointing to Deruga. "Don't you see, your Honor, that the man is ill? Leave him in peace; such a recital would affect the strongest of us. A glass of water! Quick!" He nodded to the nearest attendant, urging him to hurry.

Mr. Fein had meanwhile laid his arm around Deruga's shoulder and was talking to him. Then he turned to the judge's bench and said, "My client is not feeling well and begs permission to retire. Tomorrow he will make all necessary explanations."

The two left the court room together, and when they were outside the lawyer said, "Listen, doctor,

for the first time in my life I feel like a cheap common fellow."

"Be glad it's the first time," replied Deruga with his winning smile. "At your age it might easily be the tenth or hundredth time. Furthermore, you were quite right; people are stupid, weak animals. Why should you have believed me?"

The lawyer shook his head. "Such an old hand at the game as I am should have been able to judge correctly," he said. "But I hope you noticed that I liked you from the very beginning, Deruga."

"Yes, although at the same time you thought me a cowardly rogue," Deruga answered.

The lawyer regarded him in friendly concern. "You look wretched. Let's have a bottle of wine."

Deruga excused himself with a violent shake of the head. "I don't know what affected me so," he said. "I believe it was the feeling that this man was following me so closely, step by step."

"As a matter of fact," said the lawyer, thoughtfully, "I wasn't fair to the poor wretch. He acted like a very decent fellow."

"Too bad, isn't it?" said Deruga as they parted.

In the courthouse all the rest who were actively engaged in the trial were still standing around Dr.

Bernburger, whom they were questioning. The prosecuting attorney was shaking both his hands for the third time and praising him zealously. His thin hair was disheveled and his pale eyes were moist under their bushy brows.

"I am considered sharp in practice," he said, "and I am, and I shall remain so. But where this Italian is concerned, it is rather pleasant to be human. He is a real man, through and through. Yet he is not ordinary. I like him."

"You are a prosecuting attorney through and through, without being ordinary," said Dr. Zeunemann. "That's perhaps even harder."

"What is rarer, beauty in costume or beauty in the nude?" asked the prosecuting attorney, pensively. "Well, in any event, I don't want to tear off all my costume; on the contrary, I want to be both judicial and human. I shall ignore all Dr. Bernburger's data and, as if nothing had happened, maintain the charge of manslaughter."

"Excellent, excellent," said Dr. Bernburger. "Otherwise I should have served him but poorly."

"In that case Fein's plan will succeed," said Dr. Zeunemann. "But I consider it a rather arbitrary proceeding, in view of the circumstances."

"How so, my good fellow?" cried the prosecuting attorney, animatedly. "In what respect is such a proceeding arbitrary? We know now that Mrs. Swieter, poor soul, wanted to shorten her period of suffering by death, that she begged her divorced husband to do her the favor, and that Deruga thereupon killed her. But do we know he really did it out of pity? Do we know that he did not long for her death these many days? That he was not overjoyed with the letter which begged him to do a longed-for task? It has happened before. Imagine the speed with which he undertook the difficult commission! He obviously had the poison already at hand."

"Stop!" interrupted Dr. Zeunemann, laughingly. "If you keep on, you'll have him charged with murder in the first degree."

"From a judicial point of view, it would really be the correct charge," said the prosecuting attorney, thoughtfully. "But I have made up my mind to act humanely; and aside from that, I believe I should be running the danger of being torn to pieces by the Maenads, if I should attack their darling."

"As it is, you'll be torn to pieces because they are so grateful," said Dr. Zeunemann. "The victim of the ladies, that happens to be your fate."

XVI

IN the afternoon the baroness was announced at Deruga's apartment. He rose from the comfortable sofa on which he had been lying asleep, and squinted crossly at the light. "Dear doctor," she said, as she held out her hand to him, "I come to beg forgiveness. Even God forgives the repentant sinner. You will not be less merciful."

"I don't presume to compare myself with God," said Deruga, "but it doesn't matter, because I have nothing to forgive. You were not persecuting me, but were acting in behalf of the general good."

"You are avoiding a reconciliation," the baroness answered. "I understand you; but I shall not be discouraged so easily. I suppose a woman would endure hatred and even worse from a man who can love as you love. What woman would not give everything she owns to be loved as you have loved?"

"On my word!" Deruga exclaimed. "I believe that means something, coming from you."

"That sounds malicious," said the baroness, "and

yet it does not hurt my feelings, because I'm inclined to think that you did not intend it so. It is true, I should not know how to live without money, without quite a lot of money. Dear me, every one has his own little peculiarities. But I am not avaricious; money in itself and for itself does not mean anything to me. And do you know why I was beside myself when I did not inherit the property? I don't deny that I was very intent on getting the money; but I shall tell only you why I wanted it. I have been so bored with my marriage."

"Yes, boredom is the greatest problem and the greatest danger in life," Deruga replied. "But your husband seems to be a fine, charming person."

"Naturally," the baroness agreed. "One can imagine no more agreeable person. He is like thin air —one doesn't even notice him. And I even imagined I was in love with him when I married. But I have been so bored in his company, that I should no doubt have been unfaithful to him, if I could have reconciled myself to going against my principles. But since it was a question of the one principle to which I confess, I held myself in check."

"But you had a daughter," objected Deruga.

"She presumably found it just as boring at home

as I did," said the baroness, "for since she is grown and might be a companion for me, she has seized every opportunity of being away from home. In the meantime I busied myself with plans for the future: to free myself from my husband, as soon as my daughter was taken care of, that is, as soon as she was married."

Deruga's face was a study of unconcealed astonishment. "You're really thinking of getting a divorce at this late date?" he asked.

An agreeable, rejuvenating smile lighted the baroness's face. "At my age, you mean to say? As long as I have the wish, I apparently am young enough," she replied.

"And then you intend to marry a more amusing man?" Deruga asked.

"Oh, marry!" she repeated. "I'm not planning on that, nor on a legal divorce. I just want to be free and to shake off my boredom."

Deruga shrugged his shoulders. "You would be just as bored anywhere else," he said.

"No, no!" she cried. "For instance, I can't imagine how any one could ever be bored in your company!" She had such a simple, naïve way of saying things that even Deruga, who thought he knew women,

could not decide whether the blossom were real or artificial.

"That has its disadvantages, too," he replied, good-naturedly. "Don't you remember the verse which poor little Marmotta wrote in a book:

'Deruga, though you're charming
There's something queer about you.
Life with you is alarming,
But so is life without you.' "

The baroness blushed slightly, but was able to say with a passable show of innocence, "Well, a new daily give-and-take of married life I really should not like to consider. It is soul-destroying and common. But now," she added, as she rose to go, "give me your hand and your forgiveness, before I go."

"Gladly, madame," said he, as he held out his hand. "You've been punished enough—you've lost the money."

"Yes, the money," she said, sadly. "It was to have opened the door of my cage. We've strayed from the main theme. That I had no fortune of my own and should not know how to live if I left my husband, stood between me and the fulfillment of my wish. The legacy from my poor, sick cousin was to give me

a new life! But enough of that! Will you let me make this room a little more cheerful, since you are going to stay here for a while? With flowers?"

"If it will give you pleasure," he replied.

As she hesitantly stood on the threshold, her eyes rested on his well-shaped brown hand, which she still held in her own; and then she left him with a smile.

It seemed to her, as she walked along the somewhat deserted, bleak street, that she had never, never in her whole life, felt such glowing elation. It was a goading, disturbing, and at the same time comforting sensation, in which, so it seemed to her, all her strength was enhanced and ennobled. Without doubt, a little more might become uncomfortable, she thought; yes, even now there was an undertone of fear, which, however, did not disturb her bliss.

The baroness decided to take a walk. It was not late; the lights on the street and in the shop windows were being turned on, and the fiery-yellow dots gleamed in the riot of twilight colors. Slowly and happily she strolled on. How charming it was, to feel so young and to walk forbidden paths, as if she were a young girl in love! Yes, it was almost as if she were going to a rendezvous. As she passed a flower shop which had the allure of a luxuriant forest, it oc-

curred to her to buy something for Deruga's room. She made many purchases and she hardly asked the prices, which she otherwise never let pass unnoticed, especially where presents were concerned. By chance she saw herself in a mirror: slender, immaculately dressed, a natural refinement of bearing. A happy feeling of joy and pride surged over her. Even if she was no flower, sparkling with morning dew, her beautifully-formed body and the perfume of approaching twilight compensated for the color and freshness which were lacking. She felt that she could still attract, still fascinate; and should she not have her chance to love? She had never been in love.

The next morning she had a sharp struggle with herself. Should she go to court, or should she stay at home? Would it show a lack of good taste and a callousness of feeling, if she were seen in the seat which she had heretofore occupied out of curiosity? But it was impossible for her to withstand the desire to see Deruga and be near him.

"I was wrong," she said at breakfast to her husband and her daughter, "so I must make up for it by admitting it. I should not like to go to Paris until I know what happens to Deruga and what we can do for him."

The baron was of the same opinion, and Mingo blushed with joy.

"Dear mama," she said, "I am so happy that you're a good person after all."

"Why, Mingo!" replied the baroness, reproach in her voice. But she could not repress her laughter.

"May I go along, mama?" Mingo asked, jumping up and throwing her arms around her mother. "You know how I suffered, and I should like to be there now that everything is turning out so well. He will surely be declared innocent, won't he?"

"There is no doubt about it," said the baron, as the baroness freed herself from Mingo's embrace and tried to stifle a painful feeling of envy that suddenly welled up in her. Her searching glance quickly traveled over Mingo, whose presence she suddenly felt was a restraint and a check. But the child wanted to study, she told herself; she wanted to improve and develop herself. The touch of her fresh lips was unspeakably dear. The baroness put her hand under her daughter's round, childish chin, and said, "I shall tell Deruga, when I have the opportunity, that you were his brave little knight from the very beginning."

Mingo beamed with pride. "I shall not sheathe my sword until he's free," she said.

XVII

THE spectators were forced to curb their desire for Deruga's own story, for Miss Schwertfeger was first recalled as a witness. The judge laid before her the letter which the deceased woman, Mrs. Swieter, had written to Deruga and asked her if she recognized it.

"Yes," she replied, hardly bestowing a glance on it, "it is the one which I posted a few days before Mingo's death."

Dr. Zeunemann cleared his throat and looked down at his desk. "You suppressed that fact at the beginning of the trial," he said.

"No, I lied," Miss Schwertfeger answered, defiantly, her large gray eyes growing black. "It was the first time in my life, and I had to do it; otherwise I should have broken faith with my dead friend. I could not make up my mind to do that, just because she is dead."

"Will you tell us briefly," said Dr. Zeunemann gently, "what passed between you, in regard to the letter?"

"My friend asked me if I would do her a favor. I said I would do anything in my power, which unfortunately was not great. She kissed me and said that it wasn't much in itself, but that it might seem important to me; she wanted me to post a letter to Deruga without letting any one know anything about it at the time or later. I promised to do what she wished, and asked if she could tell me what she was writing to him and why no one should know anything about it. She said she wanted to say farewell to him, and that she wanted to keep it secret, if only because of the absurd fear that people would not understand her and would find her ridiculous."

"Did it ever occur to you," the judge asked, "that she might have had another reason?"

"At the time I thought she had perhaps written him that she wanted to see him once more before she died and that she was too shy to tell me. Then when suit was brought against Deruga, I saw how dangerous the letter might be for him, in case she had begged him to come or had told him the contents of her will. I decided to lie rather than cause him any misery, since I knew what pain that would have caused my friend."

"Is that why you refused the legacy?" Dr. Zeune-

mann asked. "And why you even gave away the trinkets she left you?"

Miss Schwertfeger blushed deeply. "I admit that it seemed to me," she said, "as if my friend wanted to reward me for keeping her secret. Later, when suspicion arose against Deruga, I had no doubt about it. I should have considered myself bribed and an accessory to the terrible deed, if I had kept the least of my friend's trinkets."

"Did what has since proved to be true never occur to you as a possible consequence? Your friend once told you herself, did she not, that she would be grateful to the person who would put an end to her suffering?" Dr. Zeunemann inquired.

"I considered that remark a mere passing fancy," said Miss Schwertfeger. "Now I appreciate the full extent of my friend's self-control. She did not tell me about Deruga because I thought no good of him. I have been unjust to him."

"But you never considered," said Dr. Zeunemann with mild reproach, "that justice would be violated if Deruga had murdered his wife and had gone unpunished?"

"I thought," Miss Schwertfeger answered stub-

bornly, "that I would do what my conscience bade me do and leave the rest to God."

"As a fellow man," said Dr. Zeunemann after a pause, "I cannot rebuke you for your course of action, although it should not be a pattern to be followed."

After Miss Schwertfeger had been excused, Deruga was called. He was told to leave the prisoner's dock and take the witness stand, so that the jury could hear his testimony to better advantage.

He seemed to be pale, indifferent, depressed, and taciturn, almost as if he considered the task repugnant and had had enough of it.

"You have admitted," the judge began, seriously, "that you killed your divorced wife. Heretofore you have denied the deed. You left Prague for that purpose and with that intention in mind?"

"I don't know why," said Deruga ill-naturedly, "you again pester me with questions. You know that my wife longed to be freed from unbearable pain, and that she turned to me, because she had faith in me. I was humane enough to grant her request. Physicians as a rule have not enough courage to do so sensible a thing. I went to her immediately and did it. That should be sufficient."

"It is not enough," said Dr. Zeunemann, "merely to know that the deed was done. We must also know the motives."

"What do you mean to say by that?" said Deruga, flying into a passion. "What motive could I have had except to help the poor woman? You can see from her letter that I knew nothing of her will."

"We can see from her letter," said the judge with patient dignity, "that since your divorce there were no ties which held you to your divorced wife, and that you therefore knew nothing of the legacy at the time."

"At the time!" Deruga exclaimed. "Do you mean to imply that I went to my wife to offer to do her the favor if she would give me so and so much money? And that for the price of her estate I let myself be bought? I don't know with what scale you measure people. Loathsome world, where the judges are people who seem to know only the worst instincts!"

"I must ask you to keep your opinions to yourself. What you have just said I shall overlook because I aroused a morbid emotion. But since I have warned you, I should have to consider myself forced to resort to stronger tactics, should there be a repetition of the offense."

In the meantime Mr. Fein had arisen, and begged for a few words aside with his client.

"My dear doctor," he said, half aloud, as he took him by the arm, "what are you doing? Everything depends on a good impression now. Afterwards it's too late. Pull yourself together, for my sake! Imagine that you're telling me the whole story! The poor chap is only doing his duty, when he admits every possibility. You know you might be a dirty dog; there are enough of them in the world."

"I don't know why my blood seethes," Deruga replied, "when I see this Areopagus of mutton-heads, who sit in judgment on hungry wolves. I wish I were the sort that murders for money! I am ashamed to stand here, a decent person!"

"But you aren't at all," said the lawyer soothingly. "I mean, not in the sense you mean. And haven't you any feeling at all for the valiant old girl who just testified? Tell her the story! Think how happy she'll be, when she no longer need consider you a wretch."

"She's a stupid, obstinate goose," grumbled Deruga. But he calmed himself and expressed his willingness to answer the questions put to him.

"When you received the letter from your divorced

wife," Dr. Zeunemann began anew, "did you immediately decide to fulfill her wish?"

"When I saw her handwriting," Deruga said, in a quiet, conversational tone, "which I had not seen for years, but which was still entirely unchanged, so that I recognized it immediately, I was gripped by a feeling of anxiety, rage, and hate, which always came over me when I by chance was reminded of her. In late years this had happened but rarely. What can she want of me? I thought. Does she want to tell me that she is sorry she ruined my life? Does she imagine that I can ever forget what I suffered for her sake? Something of the sort. When I had read the letter, all rancour had disappeared, and I felt only sympathy and love. I felt what I had never felt before: pure, great, serene love for the suffering creature whom I had tortured so much, a love which expressed itself only in the desire to comfort her and help her. I remembered her fear of suffering and how often she had asked me if I loved her enough to kill her, should she ever be afflicted with a very painful disease, and how grateful she was when I promised her that I did, and how her sureness and superiority then disappeared and she nestled close to me, like a little child. Everything which had embittered me against her, jealousy,

sensitivity, and my desire for revenge, everything was blotted out, and only the feeling remained that she should not call on me in vain. I knew that I must free her from her suffering, if I could not cure her."

Deruga paused, and the prosecuting attorney gesticulated violently and in a sibilant whisper ordered an usher to bring an armchair for the defendant, who seemed to be feeling faint.

After Deruga had thanked him for the attention, he continued, "My desire was to go to her immediately, but I considered what highly critical consequences the deed would have for me, and I determined to avoid them if possible. I determined to kill Mingo with curare, of which I happened to have a sufficient supply. Chloroform, which in certain respects was preferable, I ruled out, because the odor would have betrayed it immediately. Anyway, it would have seemed suicide, unless it could be proved that there was no chloroform in the house; it seemed to me better to choose a poison which would leave no immediate trace, so that no suspicion of a violent death would enter into the case at all.

"As my wife had not told me in her letter how I might gain entrance to her room, I thought at first of writing to ask, but gave up the idea because I told

myself that the letter might possibly fall into the hands of a maid or a nurse, who presumably must not be drawn into the secret. After I had made and discarded various plans, I decided to disguise myself as a tramp or a peddler and to call at her home and reconnoiter; I relied on finding some way of entrance, and counted on the luck which generally comes to one's aid in an enterprise. Another factor in my decision was the circumstance that several years ago I went to a masked ball as a peddler of mousetraps and was not only not recognized by any one, but was even taken for a Slovak smuggled in for the fun of it. I wrapped up the Slovak suit, which I had saved, in a paper and took it along as my only luggage, in order to change into it in the station or in the train.

"On the way I realized that a change in clothing in the train might attract attention and arouse suspicion, and I might be detained. In the station I found no opportunity to change. As it was still very early, about half-past five, I took it for granted that I would be entirely unobserved in the grounds around the station. As a matter of fact, it was deserted and quiet, and when I saw the circular, stone bench which Dr. Bernburger described, it seemed to me to be the best place to change my clothes and to hide my own suit, which

I would need for my trip home. After I had put on the workman's suit, I wrapped up my own clothing and hid it under the bench. As an added measure of precaution, I gathered up dry leaves and piled them over it.

"Next I went into a little café on the outskirts of town and had breakfast, not so much to refresh myself as to test the impression which I made, and to make sure that I would be taken for the man I was impersonating. I loitered about until noon, and then I walked over to Garden Street. I was not at all excited, except for the fact that I longed to see Marmotta again. I scarcely thought of the real purpose of my visit; I thought only of how much we would have to tell each other.

"When Ursula opened the door, it was hard for me not to betray myself, for I was glad to see her again; I should have liked to greet her and ask if she did not recognize me. When Mingo rang her bell and Ursula slammed the door as she ran to answer it, I quickly put one of the wooden spoons which I had with me as if for sale, in the opening. It was the inspiration of the moment, and I most likely should not have seized it, had I stopped to think; there was too much at stake. Still, I relied on coming to some sort

of understanding with Ursula, should she recognize me. I put the plate of soup which Ursula had brought me on the steps, and slipped through the nearest door. It led into the spare bedroom, which was not in use. From there I could hear Ursula returning, opening the house door, and grumbling when she found the plate of soup untouched. After she had disappeared into the kitchen, I carefully made my way further and through the open door of the next room I saw Mingo's bed. I said softly, 'Marmotta, here's Dodo!' And she answered, just as softly, 'Dodo! Wait until Ursula is gone.'

"I felt the rapture of heaven as I kept my vigil. For several hours I felt a bliss comparable to nothing on earth, a bliss which martyred saints have perhaps felt, when pain has ceased and angels descend from the clouds with the crown of eternal life. My heart was completely filled with the godlike love that desires nothing but the happiness of the loved one. I had seen her once again, the woman whose mere name had formerly released in me an outburst of passion, love, hate, vengeance. What is left in us of the children we once were, thirty, forty, fifty years ago? Our bodies have renewed themselves entirely in that time, we perhaps have not a thought and not an emo-

tion which we then had. But that we are still the same children, is the surest thing we know. Oh, there was nothing left of the Marmotta whom I had once called mine, and yet in the brief glimpse I had of her face, ravaged by time and illness, I saw the same face that was hers in childhood: love, innocence, and goodness conjured together. Only the spirit was still there, and I know not with what eyes I saw it. Her body was that of an aging woman at death's door; it was like a plant, nipped by a hoar frost, standing sere in the sunshine. There was nothing left in my poor Marmotta to arouse the ardor of any man, but she was so dear to me, so priceless and holy, that I would not have hesitated to give my life if I could thereby have bought her happiness. Poor, weak, little creature, I thought, you shall not suffer longer! Whatever it may cost me, no matter what the consequences are for me, I will bring you peace. And if I might take upon myself all your suffering, I would gladly do so, and I should be happy that you were eased of it.

"Before I saw her I had thought I must make sure of the character and degree of her illness, but her appearance convinced me that it was superfluous, so wasted away was she. As soon as I heard Ursula lock the door after herself and go down the steps, I arose,

and at the same time Marmotta called me. I sat down on the edge of her bed and told her how happy I was that Ursula was still with her, and how it was all I could do to keep from laughing at her because she had not recognized me. 'I should have recognized you immediately,' she said, and then we talked of the past and exchanged reminiscences. Then she told me of her illness and her operations and the treatment she was taking. Her voice was unchanged, even sweeter than ever. It sounded like a distant Alpine horn heard in the mountains at evening, when the rosy, green, and gray colors of twilight seem to blend. While we were talking, she held one of my hands tight in her two hands, and once she kissed it and said, 'You dear, good, beautiful hand, I have often thought of you, and that you would set me free!'

"Perhaps half an hour had passed, when I could see by her face that an attack of pain was imminent, and I realized the time had come. I had brought something with me, I told her, which would alleviate her pain, and I would prepare it in the kitchen, so that we might continue our talk. 'Will it hurt?' she asked, as she looked at me in fear, and the corners of her mouth trembled. Poor, timid little Marmotta! She longed for death, but she was afraid of dying. I

laughed and said, 'What are you thinking of? It isn't as easy as that. First I want to keep you under observation, then perhaps with sensible treatments we can make you well again.' With that I went into the kitchen, found a glass, and mixed the poison with lemon juice, water, and sugar, so that it would not taste bitter. When I came back, she was in great pain, and while I helped her sit up so that she could drink it, she told me she had dreamed of our Mingo the night before. 'How I long to see her again,' she said, 'and later, when you come, we'll be standing there, hand in hand, waiting for you.' I nodded, put my arm about her, and held the glass to her lips. She looked at me gratefully and drank eagerly.

"I waited until she was dead. Then I laid her down, kissed her forehead, and said, 'Adieu, dear, sweet little Marmotta!' Then I placed everything to rights in the two rooms, went into the kitchen, washed the glass, obliterated in fact all trace of my presence, and went away. I met no one in the house, but on the brick path that led to the garden gate, I saw the janitor. Up to that time I was completely at peace, or at least I thought I was. But when I saw the janitor, it seemed to me that I was attracting his attention and that I must do something to seem at ease and ingenu-

ous. Involuntarily I put my hand in my pocket and drew out a cigarette, stopped in front of him, and said, 'Have you a light, your Honor?' After I had taken one puff, the cigarette nauseated me and I threw it in the shrubbery, without stopping to think that the action might attract his attention.

"The next train for Prague left early in the morning, and it was only half past five in the afternoon. I loitered about on the outskirts of town and sat down in a café. When night came, I went to the grounds of the railroad station. It seemed to me to be too early to change my clothes. But since I did not want to walk any farther, I sat down on the stone bench under which I had concealed my suit, to wait for dusk. The heavenly feeling which I had felt when I was with Marmotta had disappeared; I was utterly exhausted and very cold. I had had nothing all day but a cup of black coffee, and I was so weak and tired, that I hardly knew why I was sitting there. I saw myself in an absurd and ridiculous light.

"Towards midnight a cold wind blew up which froze my very marrow and dispelled the melancholy numbness in which I had sunk. As it was still as death on all sides, I arose, lifted the package from the dry leaves which had covered it, and changed my

clothes. I did not want to take the work clothes along and at first I thought of putting them under the bench. Then it suddenly occurred to me that to throw the bundle into the canal would be to destroy it completely.

"I was standing on the bridge before I thought of my money, which I still had in the work suit. On the way to the station I pictured to myself how fatal it would have been if I had forgotten the money. Finally it occurred to me that I had had Mingo's letter with me, in case I should have forgotten her address. I was sorry to have lost the letter, but I was too tired and indifferent to turn about and make the attempt to fish the package out of the water. The deserted place made me nervous, too, although I am not given to such moods generally, and it seemed to me that if I returned I should see myself sitting on that white bench looking at the black water. In the coach on the train I fell asleep immediately and slept until we reached home. I had the impression that no one had seen me return and that no one had noticed my absence."

"Why did you not immediately tell the truth of the story?" asked the judge, who had been toying with his papers during the long story and who seemed ab-

sorbed in his task. "That would have placed you in a different position from the very beginning."

"Yes, if people would have believed me!" said Deruga. "The sole proof which I could have offered, my wife's letter, I had lost, and I did not think of the possibility of finding it again. And I was convinced that, even if the working clothes could have been found, the water would have destroyed the letter."

"A strange story, that!" said Dr. Zeunemann to the associate judges, when the hearing was over. "I confess, the man almost moved me. One seldom finds a married couple cherishing such feeling towards each other."

"And they were divorced, too," said the prosecuting attorney slyly.

All the men laughed. "Furthermore," said Dr. Zeunemann, "I still consider our Italian a little bit neurotic and hypersensitive. I wouldn't be far wrong in comparing him with a chameleon."

The aptness of the comparison was acknowledged. But after all, it was no crime to be a chameleon. Several, in fact, thought it charming.

"A plaything for the ladies," said the prosecuting attorney, highly amused. "And for the sake of the ladies he must be declared innocent. I hope our jury

will not forget that it is the ladies who decide all issues in public life as well as in private life."

"I hope that you in particular don't forget," Dr. Zeunemann remarked, "that there are women who assert themselves neither in public nor in private life, and yet are braver than the stronger sex."

All present insisted that they had noticed the judge's great partiality for Miss Gundel Schwertfeger, and they teased him about her.

Yes, he looked at the heart, Dr. Zeunemann declared in self-justification, and did not let himself be blinded by outward show and feathers, as the perpetual juvenile, the prosecuting attorney, did.

"She lied like a saint," said he, "and it will serve me right if the court gives her a halo instead of punishment, for she has already had her martyrdom. But after this, I shall observe the letter of the law with double energy."

XVIII

IT was twilight when Mingo came into the hotel, where her mother was sitting in front of the fireplace, turning the pages of a book.

"Where have you been?" she asked, disapprovingly, as she laid the book in her lap. "I was worried about you."

"Why, mama," said Mingo in astonishment, "I didn't know you'd worry. When we're away from each other, you never know when I come home, and you never worry about me."

"That's different, Mingo," the baroness answered irritably. "I would be in my grave if I imagined all sorts of things when you're away. But when you're here at home, you must consider me and the conventions. A young girl of good family may not run around the streets alone after dark."

"I didn't think of that," said Mingo by way of excuse, in a mild little voice, "because I'm so used to going about by myself. I'm so happy, mama."

"Happy? Why?" asked the baroness. "Because we

are going to Paris, or because Peter Hase is going with us? Or because you're to go on with your studies?"

"Oh, no, mama," Mingo answered, "because the terrible trial is nearly over, and because he will be declared innocent. He will be declared innocent, won't he?"

"I think so," said the baroness.

Mingo, who had meanwhile made herself comfortable on a pillow at her mother's feet, cried out, "But his innocence is clear as day!"

"According to the letter of the law he is not innocent," the baroness replied.

Mingo showed her fright and perplexity. Her face grew distorted, so that it looked as plaintive and helpless as that of a little child, and bursting into tears she threw both arms around her mother's knees. "O, mama, I could never bear it; I couldn't bear it," she sobbed.

The baroness gently pushed her away and said coldly, almost reprovingly, "What is the matter with you? What ails you, child?" while she attempted to stifle the sharp pain in her heart.

"Don't shove me away, mama," sobbed Mingo, embracing her mother more closely. "I can't help it!

Help me, please; you're all I have! I can't live without him!"

The baroness bent down and lifted the girl to her lap, and pressed the tear-stained face to hers. "My little Mingo," she said tenderly, "you love him so dearly?"

Still sobbing, the girl clung tightly to her mother. "I would gladly die to make him happy," she said softly.

The baroness petted her and held her close. "My dear little one," she said, soothingly, "it is natural that he should have made a strong impression on your loving, imaginative heart, especially since he is in trouble. He is a man of great magnetism, that is true. But believe me, he is not the man to make you happy, quite aside from the fact that his age and his position in the world utterly preclude a marriage with you."

"His position in the world!" cried Mingo, sitting up in indignation. "O mama, and if he were a street-cleaner, he would stand far, far above me and all the men that I know. O mama, I can't bear to have you think or say such petty things. And what do I care about his age? Do I want anything of him? If my youth could delight his heart for one minute, I should be happy to be able to give it to him."

She broke off suddenly, when she saw that her mother's lovely gray eyes were wet and that traces of tears were on her pale cheeks. She took her mother's little lacy handkerchief and carefully wiped the tears away and asked thoughtfully, "Are those my tears?"

"Whose else?" the baroness asked, with a smile.

"But you have tears in your eyes, too," continued Mingo. "O mama, what a bad girl I am, to cause you so much worry! But I really can't help it; it is so much stronger than I am! I would give everything, everything that I have, if he could only love me just a little! If he could only stand having me near him! I don't know what will become of me without him."

"My sweet little Mingo," the baroness replied, "first of all, bathe your face in cold water, for I'm sure you would not like to have your father, who will be here any minute, surprise you in this state. I'm afraid he would have very little sympathy with your emotions. And then let us wait quite calmly for the verdict. What happens then does not depend on us. We can't force him to love you, but I believe that he feels friendly towards you because of his little girl who died."

"Do you think so?" asked Mingo, while she let her hot face be cooled with a damp cloth. The unusual

display of motherly tenderness had something charmingly soothing about it, and she held her mother in a close embrace, as if she wanted to prevent the pleasant touch from disappearing like a dream.

"You seem to have become a little child again," said the baroness, "and to think as small children think: mama will give me the sun and the moon if I want them."

Mingo looked at the baroness with innocent, trusting eyes, and nodded her head. "That's because you're so good to me," she said.

The baroness did not fall asleep until dawn and she awoke with a tired, unhappy heart. Mingo's tender greeting, little attentions, and surreptitious glances gradually cheered her, however.

"Well, Mingo," she said, "I shall take you along to court to-day, if you promise to be brave. I hate scenes, especially in public."

Mingo promised, and was put to no difficult test. The speeches were short, and the jury, after deliberating for not more than a half hour, pronounced the defendant not guilty.

In the general excitement which ensued, Deruga alone seemed indifferent. But his expression softened

when he saw Mingo's eyes on him, full of worry and love.

"Little Mingo," he said, as he greeted her, "are you contented now? You see, people aren't so bad after all!"

For a moment the joy of being spoken to in this fashion overwhelmed her; but when she was sitting next to her mother in the car and reliving her recent experiences, it seemed to her that her hero had given her short shrift. With whom would he riotously celebrate his triumph? Although his smile had been charming, he seemed to be disgusted with life. She wondered whether he would feel happier if he knew how completely and wholly she was attached to him.

"Mingo," said the baroness in the afternoon, when they were alone together, "I shall look up Deruga now, in order to find out what plans he has made for the immediate future. I shall not take you along with me, because you have too little control over your emotions and it is not proper, as you yourself will discover, for a girl to pursue a man."

Mingo did not agree with her. It seemed unworthy to her to hide behind rules of proper conduct, where this one man was concerned; to declare her devotion seemed to be the only natural and right thing. But as

she knew that she could not win her mother over to this point of view, and as she was afraid of seeing Deruga again, she declared that she heartily agreed.

"But I may send him my regards, mayn't I?" she asked.

The baroness smiled and kissed her. "In the meanwhile take a walk with your father," she said, "so that time won't hang heavy on your hands."

When the baroness entered Deruga's room, he was sitting at a table, writing. She remained standing for a moment, and then said, "You do not look like a victor. I've lost all desire to wish you good luck."

"You're mistaken," Deruga answered. "I have just this minute made a resolution, for which I should have your good wishes: I shall leave the scene which displeases me."

"I presumed as much," the baroness replied. "Should you like to accompany us to Paris?"

"No, I want to go farther, much farther away," said Deruga.

"Well, that's a good idea, too," the baroness agreed. "Away from here you will forget the unpleasant associations which surround you; and if you know that in this sorry turmoil you have won a price-

less treasure, a pure, clean, loyal heart, you will be drawn back to us again."

"I am not so foolhardy as to imagine that I have won your heart, madame," Deruga replied, with good-natured banter, "and your description hardly fits the case."

"No, not very well," said the baroness, shaking her head in mock melancholy. "But nevertheless, I was thinking of a heart that is closely, very closely, related to mine."

"Little Mingo," said Deruga, dreamily; then more quickly, turning to his guest, "O madame, do you think that I could bear having some one at my side who would always remind me of the little Mingo I lost? If you think that possible, then you don't know a parent's love."

"Oh, yes, I do; I have experienced it," said the baroness.

"I believe you," said Deruga. "But perhaps you can't put yourself in my place."

"It is natural that I should think of myself and my child first," the baroness replied. "No mother would gladly give her daughter to a man so much older than she is. I happened to speak of this affection of hers, because her strength and her innocent confidence

touched me, and made me believe that perhaps it might be—as one might say—God's will. In addition, I am afraid to see the child suffer."

"The fulfillment of her wish would bring her real suffering," Deruga answered. "She does not know me. And you, Baroness, obviously don't know me either."

"Nature does not want us women to know men well," said the baroness, blushing slightly. "Had she not made us blind, we would have had to bandage our eyes, whether it's wise or not. But I believed that in your case, precisely in your case, it was merely a question of will, for you to be, if not a great man, then at least a very good man."

"If that were true," said Deruga, "then I would be one or the other. But my will is determined by my blood, my nerves, by the impressions which I receive from without, by a thousand and one currents and their cessation, over which I have no control. I have had moments when I was disgusted with myself, and I want to prevent their recurrence. I want to climb above all earthly pettiness."

"And could you not prevent their recurrence," the baroness asked, "by uniting your life with that of a young, pure, trusting girl?"

"If I were stronger, yes," Deruga replied. "But as I am weak, there is nothing for me to do but to go away."

Something in his expression or in his tone of voice suddenly brought the baroness to a true understanding of his meaning. Her hand, resting on the arm of his chair, trembled, and she grew pale. A terrible fear possessed her, that at any minute he might touch her; and at the same time the thought flitted through her mind, that this would be the best solution for her.

"It's shocking, to tell me that," she gasped, closing her eyes and leaning her head back.

"Not so very," said Deruga. "I should not have told you, if I did not know how sensible you are. The first time our eyes met, first in hatred and then in a suddenly aroused sympathy, hot desire such as I had not felt in years came to life in me. For in reality I was merely existing because I happened to be alive, without any special purpose. The emotion which you kindled in me was nothing high or fine; it was a mixture of sensuality, vanity, and egotism, which is, as a matter of fact, the main basis of our male passion. The wealth which had fallen into my lap was suddenly doubly worthwhile to me. With that to rely on, I wanted to live at any price, whatever sacrifice it

might entail; to live, in order to enjoy myself to the utmost. Who knows how it may have turned out, if good Dr. Bernburger had not found my poor Marmotta's letter?"

"Then the new love paled in comparison with the old love," said the baroness quietly.

"You may put it that way if you will," said Deruga. "The paradise which once was mine rose up in memory. I saw how flat, fragile, ordinary, and disgusting all my splendid dreams were, compared with the bliss I had experienced when I gave my poor, sick Marmotta release from life. Yes, I might have wealth and high standing, finer women and women in higher stations of life, but with every step of the way I would sink more deeply into the mud of the commonplace and be carried farther and farther away from the highest happiness, until I should finally lose it and forget my capacity for it."

"One cannot always live on the heights," the baroness demurred, shyly.

"I at least cannot," said Deruga. "But I was once allowed to breathe the purest ether. I don't relish your weather after that sublime moment."

"Perhaps," the baroness conjectured, with some

hesitation, "Mingo could change your mood, if she should come to you."

"That would mean unhappiness for both of us," Deruga replied. "Let the child keep a beautiful, holy memory, which may sometime brighten a dark spot in her life. The thought that she will preserve a spotless picture of me in her loving little heart makes me happy. Promise me, Baroness, that you will not spoil it!"

"It is as precious to me as it is to her," she said in a choking voice. She pressed her handkerchief to her eyes and sat speechless for a long time. Suddenly, in the turmoil of her emotions and thoughts, she had an idea which caused her to sit up and ask, "And the fatal legacy? What will become of it, if you—go away?"

Deruga laughed. "Really, Baroness," he replied, "if it weren't for Gundel Schwertfeger, I should gladly bestow it on you. But, you see, the money really should go to Gundel Schwertfeger, because Marmotta planned to give it to her and because she will spend it as they planned. And because of what she did for me, she has earned it, although I was once angry with her, because she judged me too harshly. Her integrity was really the thing that enraged me."

"Oh," said the baroness with a pout, "you and that Miss Schwertfeger belong to the class of people who have a heart only for the sufferings of the poor. Believe me, comparatively I am poorer than the wife of the poorest day laborer."

"Yes, but only comparatively," laughed Deruga.

"Well, enough of that," said the baroness. "I have but one request: Do not let the stickpin, the Moor's head, which you wear in your cravat, fall into the hands of strangers!"

"You shall have it for remembrance," Deruga responded, "when I set out on my journey. But don't you think for one minute, Baroness, that you're to blame for my leaving! Often, long before this trial, I had every intention of leaving this barren town, where I have been as bored as you are in your marriage. Perhaps you remember, that once, at the beginning of the trial, I told about how I had set out and walked haphazardly across the fields, in order to die out in the open, alone, like an animal. It was not imagination, even if it did not happen when I said it did."

The baroness rose and hesitantly held out her hand to him. "Dear doctor," she said, "everything that you have just told me is the expression of a mood which is explained by your sufferings. But the mood will pass.

Your many friends will make an endeavor to dispel it, and I am convinced that to-morrow you will feel more earthly, more human. I should not be able to say farewell to you, if I were not sure of it."

"At your service, madame, and my regards to Mingo!"

On the steps the baroness drew a lace veil out of the little pocketbook which she was carrying and put it on to hide the tears which were streaming down her face. Not until she had walked for a time up and down the deserted, lonely streets of the neighborhood, could she control herself and pull herself together. She could not go home in this mood, and she decided to turn back and go downtown where the expensive shops were, to make a few purchases for her trip.

The thought of Paris made her feel freer. In a new scene, she thought, there would be new events with new impressions. She needed a change more than Mingo did. Yes, for Mingo's sake it was a good thing that matters had turned out as they did. She felt more sure of it every minute. If Mingo had married Deruga, she would no doubt have paid for a short period of passionate bliss with a life of disappointment and great bitterness; for whatever treasures his heart might hold, he would soon be an aging, moody, bored

old man. On the other hand, the pain which Mingo now suffered, she would sublimate into a sacred, cherished memory, as Deruga predicted. She was perhaps in just the right mood to listen to Peter Hase, who was accompanying them; or some other man might be fortunate enough to interest her. This experience had to break up the soil of her soul, which until now had been untouched. It was up to her to make sure of a rich harvest for the future.

But she herself, thought the baroness, had nothing to expect but a barren fall and a bleak winter. She shuddered and drew the fur neckpiece which she still wore on chilly spring days, close about herself. Did that heavenly weather, that divine climate which Deruga talked about, exist anywhere on earth? What strange thoughts he had! No, she had never permitted herself extravagance in thought or feeling. It offended her good taste. Life was full of charming, rapturous moments; she would develop the art of catching these bright butterflies and enjoying their blending colors without touching them. She would make them her very own. Could she find a better opportunity than in Paris, with her daughter and Peter Hase? Finally, wasn't her husband a companion to be treasured? Attractive, refined, courteous, pleasant? Her step

grew more elastic as she walked on, and her expression happier. When she arrived at the hotel, she emanated such a fresh, eager mood for the trip, that a little of it passed over to Mingo.

A few days later, in Paris, she received a small package containing Deruga's stickpin with the Moor's head. Her eyes filled with tears, but she quickly hid the treasure in her jewel case. She took it out only when her heart had grown quiet and calm.

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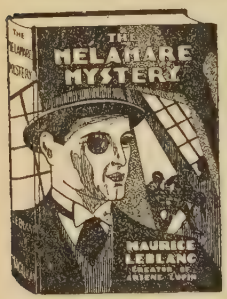

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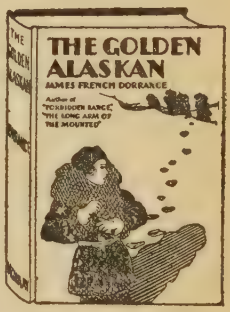

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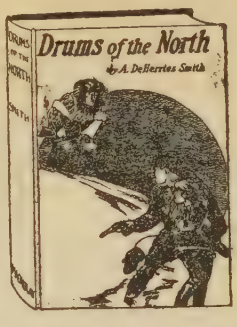

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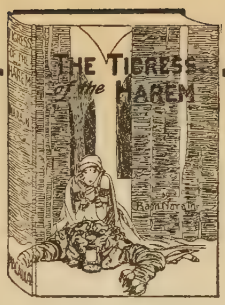

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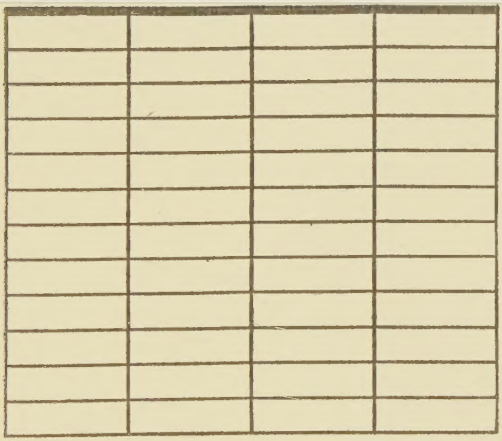

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